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**THE CENTRALITY OF ACCOUNTABILITY IN JOHN
STUART MILL'S LIBERAL-UTILITARIAN CONCEPTION
OF DEMOCRACY**

**A thesis submitted to the University of London in fulfilment of the
requirements for the degree of Doctor of Philosophy (Ph. D)**

by

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May 2007

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ABSTRACT

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I, Átila Amaral Brilhante, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

ABSTRACT

This thesis argues that accountability was a central concern in Mill's liberal-utilitarian political thought. This concern was a product of his conviction that a truly democratic society, which permitted individuals to develop their deliberative capacities, was possible only where there was an equilibrium of power. Without such an equilibrium, the danger was that the majority would impose conformity with its own values and practices. It is argued that Mill proposed the institutionalisation of debate in order to aid individuals in the use of critical reasoning, which he regarded as an essential component of human well-being and a necessary means for the improvement of society. He saw the protection of individual liberty from the encroachment of the majority, and the multiplication of the centres of power in society, as instrumental in rendering the masses accountable, and thereby preventing stagnation. Mill aimed to protect individual liberty by preventing the formation of power which was unaccountable both in the public and private spheres. He thought that a balance of power in all areas of society promoted co-operation in political, economic, and family relations. In this sense, unchecked forms of economic power were as detrimental to society as unchecked forms of political power, in that they both brought about tyranny. Mill adopted the optimistic belief that the institutionalisation of debate would make human beings into altruistic moral agents. This thesis argues that Mill's liberal-utilitarian conception of democracy makes a significant contribution to political theory, in that it enshrines the ideas that a well-ordered society prevents individuals, groups, and governments from improperly imposing their wishes over others, and that socio-political

reforms have to take into account the characteristics of human nature and national character, and the historical trends operating in society.

TABLE OF CONTENTS

Acknowledgements	08
Dedication	11
Introduction	12
 Chapter 1. The Secret Ballot and The Badge of Slavery	
1.1. Introduction	16
1.2. Ballot and Participation	18
1.3. J.S Mill and the Secret Ballot in Historical Perspective	21
1.4. Comments on the Ballot	42
1.5. The Secret Ballot and the Badge of Slavery	56
1.6. Conclusion	60
 Chapter 2. J.S. Mill, Tocqueville, and Democracy	
2.1. Introduction	63
2.2. The Power to Rival that of the Masses	66
2.3. Some Problems regarding Mill and Tocqueville	80
2.4. Mill, Tocqueville, and Democracy	91
2.5. Conclusion	113

Chapter 3. The Electoral System and Democracy

3.1. Introduction	116
3.2. Plural Voting	118
3.3. Hare's Plan for Proportional Representation	133
3.4. Mill's Democratic Ideals and Institutions	147
3.5. Conclusion	159

Chapter 4. Women's Enfranchisement and Accountability

4.1. Introduction	161
4.2. Mill on Women's Issues	163
4.3. Commentators on Mill on Women's Issues	176
4.4. Mill, Women's Issues, and Liberalism	183
4.5. Conclusion	199

Chapter 5. J.S. Mill on Economic Democracy

5.1. Introduction	201
5.2. Mill's Political Economy	203
5.3. State Interference and Democracy	212
5.4. Mill's <i>Chapters on Socialism</i> and Democracy	222
5.5. Conclusion	239

Chapter 6. Mill on Utility and Democracy

6.1. Introduction	241
6.2. Mill's Conception of Utility	243
6.3. Reflections on Mill's Concept of Utility	255
6.4. Mill on Utility and Liberty	268
6.5. Mill's Utilitarianism and Democracy	279
6.6. Conclusion	288

Chapter 7. General Remarks and Final Conclusions 291**Bibliography** 297

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To the Virgin Mary, Mother of Mercy

Hindrance

Beyond the pain and pleasure
I found the right measure
Treatises, essays and books
in all I had a look
but nothing could I see
unless what hides the truth
that love still remains
beyond pleasure and pain.

Written in Edinburgh on 20 April 1999.

INTRODUCTION

It is evident that almost all of the commentaries produced since the early 1860s on John Stuart Mill's political philosophy in general, and on his account of democracy in particular, have serious deficiencies. Among these deficiencies, three in particular are worth mentioning: 1) the lack of recognition of the fact that a preoccupation with accountability has a central role in Mill's political thought; 2) the propensity to separate the study of the socio-political institutions that Mill proposed from the broader concerns of his moral and political philosophy; and 3) the disregard of the fact that Mill believed that socio-political reforms had to take into account the characteristics of national character, the historical trends operating in society, and the characteristics of human nature. This thesis argues that accountability was a central concern in Mill's liberal-utilitarian thought. It was a concern that permeated his attempts to construct institutions which would prevent groups and governments from imposing their wishes on others and facilitate the removal from power of those who were governing against the interests of society. This concern helped to give orientation to Mill's account of political, economic, marital, and parental relations. In this sense, for him, a truly democratic society was characterised by an equilibrium of power which permitted individuals to pursue the improvement of their deliberative capacities without rendering them unduly submissive to society. This made possible the full expression of individuality which Mill regarded as vital for the renewal of society. Thus, the term accountability is used in a broader sense in the

context of this thesis. It relates not only to the need to place limitations on government but also to the need to strengthen social practices that would prevent excessive concentrations of power being placed in the hands of individuals and groups, and even in the hands of the masses. In order to create an atmosphere of diversity in which individuals would advance in their use of critical reasoning, Mill proposed the institutionalisation of debate. For Mill, debate was an essential component in the well-being of society. It will be argued that Mill believed that autonomy and democracy depended on such an institutionalisation of debate. In addition, it will be claimed that, despite Mill's unjustified belief that people endowed with higher capacities of imagination and reasoning would not use them to inflict harm on society, he made a significant contribution to political theory by showing that accountability was essential to the creation of an environment where human beings might flourish.

This thesis comprises six chapters. The first chapter will examine Mill's approach to the secret ballot. The central question at stake is: why did Mill ardently defend the secret ballot in his youth and drastically oppose it in his later years? It will be argued that he defended open voting on the grounds that publicity was necessary to render voters accountable to their fellow-citizens. He also claimed that open voting was compatible with the English national character, which valued truthfulness and publicity. It will be shown that Mill was wrong to insist that the risk to electors from intimidation diminished significantly during the 1860s, but that his main concern was accountability. The secret ballot was an issue that Mill examined throughout his life, and in which the discussion of institutional mechanics is deeply intertwined with political theory. The second chapter will investigate the affinities and differences between Mill's and Tocqueville's political theory. It will be claimed that

Mill adopted Tocqueville's idea that democracy did not work properly if the masses were not rendered accountable, and that the educated minority had the role of counterbalancing the power of the majority. It will be argued that Tocqueville should be recognised as the single most important influence on Mill's political thought. Both Mill and Tocqueville thought that the multiplication of the centres where decisions were taken was essential in motivating people to work together for common purposes and in preventing the tyranny of the majority. Nonetheless, Mill's ultimate intention was to design electoral institutions capable of counteracting the influence of the masses, while Tocqueville was more interested in encouraging voluntary associations and local traditions. The third chapter will examine the main electoral institutions Mill proposed from the early 1850s onwards. It will be argued that Mill assumed that plural voting and Hare's system of proportional representation would favour the election of educated MPs and render the masses accountable, while the population at large was educated for a broader participation in the political process. It will become evident that the institutions designed by Mill would not have been capable of creating the balance of power he intended, but there is no doubt that they represent an important attempt to create a political atmosphere in which participation and competence are encouraged. In the fourth chapter it will be shown that Mill complained that, in order to have an accountable government which would truly respect the interests of the citizens, women should be enfranchised. He thought that this was essential to protect women from familial tyranny, to allow them to control those who governed and to be responsible for their own choices. The fifth chapter shows that Mill admitted the possibility of state intervention to help people to acquire the basic means of subsistence and education, grounded on the presumption that such means were the pre-condition for citizenship. In his view, an excessive concentration of economic resources tended to generate unaccountable

powers that might lead to the undermining of freedom. It will be claimed that Mill favoured small-scale socialist experiments, assuming that they could be discussed and evaluated, as opposed to revolutionary forms of socialism which tended to generate unaccountable powers. Preoccupied with the issue of accountability, Mill proposed a type of market socialism in which co-operatives of workers would compete among themselves, and their members take part in the administration of their respective enterprises. In the sixth chapter, it will be argued that Mill thought that the institutionalisation of debate and critical reasoning could progressively create a moral consensus and drastically reduce political conflict. His conclusion was based on the Socratic belief that knowledge necessarily leads to correct moral decisions, and on the view that human beings were sympathetic to the interests of society when their nature was not perverted by inappropriate institutions. Ultimately he believed that, when critical thinking permeated social relations, the altruistic mentality of human beings would emerge in its full strength. In the general conclusion, the arguments presented in each of the chapters will be brought together in order to show that accountability was the cornerstone of Mill's liberal-utilitarian conception of democracy.

CHAPTER 1

THE SECRET BALLOT AND THE BADGE OF SLAVERY

1.1. INTRODUCTION

John Stuart Mill believed that the voting process must be understood within the context of a broad notion of participation, in which public activity represented the means by which the individual could develop an active character and cultivate the intellect..Participation thus referred both to the development of individuality and to the creation of public spirit. In this chapter it will be shown that Mill failed in his attempt to advocate a system of open voting as the proper institution to secure accountability and promote individual improvement. Mill's main mistake was his failure to see that publicity in the act of voting is inadvisable because it is not merely a public duty, but also has a bearing on what he usually called the private sphere of conduct. As a result, Mill's conviction that people should be free to hear what others have to say requires an alternative institution capable of harmonising the characteristics of the British national character with the need to permit individuals to pursue experiments of life. By insisting on the open ballot, Mill seems unwittingly to have supported the same standardising effects promoted by the commercial spirit, leading to the

suppression of individuality and diversity, that he had earnestly intended to oppose.

In this chapter, it will also be argued that some of Mill's commentators are unable to properly assess his political thought because they disregard the importance that he attributed to national character in his political reasoning. In the second section of this chapter, it will be shown that Mill regarded political participation as a means of civic education, and saw it mediating between individuality and sociability. In the third section, the evolution of Mill's approach to the question of the secret ballot will be surveyed, and it will be shown that his major concern was to promote civic education and accountability. Mill believed that accountability required not only that those in power be held responsible before society for their actions, but that individuals be accountable for their votes. In the fourth section, it will be argued that commentators have not grasped the meaning of Mill's account of the secret ballot because they have not recognised that national character is a central preoccupation of Mill's work. In the fifth section, it will be shown that Mill's approach to the secret ballot is flawed because he misunderstood the very nature of the act of voting, regarding it as an instrument whereby people fulfil duties towards others, without seeing that it is also a means by which individual claims are promoted and individual interests protected. The final and concluding section will show that there is a blend of modern and classical motifs in Mill's conception of democracy, and that he conceived the open ballot as a mechanism compatible with the British national character, capable of promoting mutual responsibility amongst citizens. Overall, it will be claimed that Mill failed to realise that the secret ballot is more appropriate for protecting voters who are not in agreement with the prevailing values. This failure stemmed from the fact that he did not recognise that, in the electoral process, individual interests and privacy were also at stake.

1.2. BALLOT AND PARTICIPATION

In Mill's view, the dynamic of modern society required that people in general participated in public functions, in order to develop a sense of being part of a common enterprise, and a recognition that society was dependent on their exertions. Effective participation in the shaping of public institutions required not only the capacity to deliberate on social matters, but also the capacity to explain to other citizens why the choices thus made would contribute to the improvement of society.¹ Mill expected citizens to take into account the views of those who suggested alternative solutions to the problems of society. People should devote themselves to the improvement of their own capacities and to the building up of social institutions. Societies would thus benefit from the participation of both men and women in political deliberations, while their engagement in reasoned argument would strengthen their capacity for choosing the best policies. Mill was emphatic that people must be self-consciously accountable in relation to the outcome of their participation in public deliberations. In other words, they must take responsibility for their decisions about collective matters through the simple recognition that such decisions affected the lives of others and as such represented, to an extent, the exercising of power over those lives.²

It should be borne in mind that Mill's conception of participation is a comprehensive one. It comprises engagement in voluntary associations, local government, and juries, as well as

¹ See J.S. Mill, *Thoughts on Parliamentary Reform*, (*The Collected Works of John Stuart Mill*), J.M. Robson and others (eds), 33 vols., (Toronto and London: University of Toronto Press and Routledge & Keagan Paul, 1963-1999), XIX, p. 335. Hereafter this edition of John Stuart Mill's works will be referred to as (CW).

² See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, pp. 488-9.

involvement in the electoral process.³ The voting process needs to be understood within the context of this broad notion of participation, which promotes the individual active character and intellect. In this sense, participation refers both to the development of individuality and to the creation of a public spirit. It is true that in *On Liberty*, Mill's main concern was to provide a theoretical foundation for the prevalence of individual liberty over collective legal and social constraints, so that individuals could thereby fulfil the demands of their own natures. This would allow them to exercise the active power of their minds by making choices that shaped their lifestyles and carried forward the process of self-construction and the quest for the most adequate form of life. Opportunities for a variety of experiences were required to make it possible for each individual to engage in a process of self-improvement.⁴ This process of individual self-improvement presupposed a field in which liberty prevailed over all encroachments, and where the involvement with public concerns provided individuals with the variety of stimuli necessary for personal improvement. This gives an educational dimension to Mill's conception of democracy, because the building up of an active character required both the processes of self-cultivation and of dialectical deliberation over public concerns. Mill conceived of the former as primarily the individual's quest to determine the range of experiences necessary to realise the potentialities of his own nature. Such potentiality could only be developed if society were forbidden from encroaching on individual freedom, thereby allowing people to develop their unique range of capabilities.⁵ However, the development of individuals was also

³ See J.T. Paderson, 'On the Educational Function of Political Participation: a Comparative Analysis of John Stuart Mill's Theory and Contemporary Survey Research Findings', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iii. 223-36; J.S. Mill, *On Liberty*, (CW), XVIII, p. 306; *Considerations on Representative Government*, (CW), XIX, pp. 411, 535.

⁴ See J.S. Mill, *On Liberty*, (CW).XVIII, pp. 266-7, 270.

⁵ See J. Gray, 'Mill's Conception of Happiness and the Theory of Individuality', in J. Gray and G.S. Smith (eds), *J.S. Mill On Liberty in Focus*, (London : Routledge, 1996), p. 204.

indispensably linked to society. Thus, engaged reasoning and participation in political deliberation were the most expedient processes for broadening the ambit of people's concerns and enlarging the set of experiences available to them. Mill, therefore, considered reason to be an essential tool for the development of individuality and sociability.⁶ Besides, the challenges inherent in debates and disputes were powerful activators of human capabilities. Additionally, society profited from individual contributions to political debate. It was precisely in these contributions that society found the original ideas which were essential to its renewal.⁷

Mill's praise of altruism and belief in the educational efficacy of participation was present in both *On Liberty* and *Considerations on Representative Government*.⁸ There was a blend of modern and classical motifs in his democratic theory. He certainly agreed with the Greek conception expressed in Pericles' 'Funeral Oration', according to which individuals should be mindful both of their own affairs and also of what concerns society as a whole. Mill explicitly asserted that, 'there will never be honest or self-restraining government unless each individual participant feels himself a trustee for all his fellow citizens and for posterity. Certainly, no Athenian voter thought otherwise'.⁹ However, it is also important to recognise the modern aspect of Mill's theory, whereby participation was not to be dissociated from the process of self-cultivation, ensuring that the ethical, aesthetic, and mental faculties of individuals were not stultified.

⁶ See D. F. Thompson, *John Stuart Mill and Representative Government*, (Princeton: Princeton University Press, 1976), p. 47.

⁷ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 267.

⁸ See *ibid.*, p. 277, and *Considerations on Representative Government*, (CW), XIX, p. 164.

According to Mill, the secret ballot should be judged according to its capacity to promote civic education. In other words, as a social institution, the secret ballot should favour a kind of individual participation that benefited both individuals and society. When Mill evaluated the secret ballot, what was at stake was, primarily, the sort of participation it favoured, and, secondarily, its implications for individual and social life. As well as examining its efficacy as a practical procedure, he considered the implications of suggesting to people that voting was a right rather than a duty. The disapproval of the secret ballot in Mill's later works was grounded on the fact that secrecy itself suggested that voters had a right to make choices on behalf of their private interests rather than fulfilling their duty to the public interest. For Mill, publicity was necessary to make the voters responsible to their fellow-citizens. These considerations are essential for understanding Mill's account of the secret ballot and for the critical work to be done in subsequent parts of this chapter. They must, however, be complemented by a survey of the evolution of his views on the secret ballot, and this will be the task of the next section.

1.3. J. S. MILL AND THE SECRET BALLOT IN HISTORICAL PERSPECTIVE

The debate about the secret ballot occupied a prominent place in the writings of the Philosophic Radicals. Bentham defended secret voting in his radical programme, and, together with James Mill and George Grote, contended that it was an important component of representative democracy.¹⁰ Although there were a number of radical reformers, such as

⁹J.S. Mill, *Later Letters, 1849-1873*, (CW), XV, p. 608.

¹⁰ See J. Bentham, *Plan of Parliamentary Reform*, (London: R. Hunter, 1817), p. lxi; J. Mill, *The History of British India*, 10 vols., (London: J. Madden, 1858), iii. 451-2; G. Grote, *Statement of the Question of Parliamentary Reform*, (London: Baldwin, 1821), pp. 19-20.

Joseph Parkes, who were less enthusiastic about the secret ballot, secret voting was nevertheless a feature of J.S. Mill's radical political philosophy up to the end of the 1830s.¹¹ Burns is correct to note that Mill campaigned continually in favour of the secret ballot from 1829 to 1839.¹² In this period, he basically followed the reasoning developed by James Mill: the importance of the secret ballot lay mainly in its contribution to the elimination of intimidation and bribery. According to James Mill, 'while voters are liable to be suborned, and while the rich obtain their purpose with the people by corrupting them, they do corrupt them'.¹³ On 5 December 1830, J.S. Mill echoed his father's account in an article headed 'The Ballot' in the *Examiner*. However, he suggested that his father's account contained an ambivalence towards the secret ballot. He hinted that James Mill defended the secret ballot not as a matter of principle, but because of its appropriateness in the circumstances:

Mr. Mill's proposition, it will be recollected, was this - that the Ballot is bad, where the voter's own interest points in a wrong direction, and where the restraint which public opinion imposes, is indispensable as a check to that interest. But if the voter's own interest accords with the public good, as it must do when the public themselves are the voters, this restraint is not necessary; and the Ballot, consequently, is desirable as often as the voters are liable to be acted upon, either in the way of bribery or intimidation, by the interest of powerful individuals.¹⁴

¹¹ See W. Thomas, *The Philosophic Radicals: Nine Studies in Theory and Practice*, (New York: Oxford University Press, 1979), p. 262.

¹² See J.H. Burns, 'J.S. Mill and Democracy, 1829-1861', in J.B. Schneewind (ed), *Mill: A Collection of Critical Essays*, (London: Macmillan, 1969), pp. 281-307.

One can infer that Mill believed that his father had treated the secret ballot as a question of tactics. Hence James Mill had stressed that the secret ballot was not suitable for all situations, but was desirable as often as the voters are liable to be acted upon intimidation.¹⁵ On 12 December 1830, again in the *Examiner*, in an article headed 'Controversy On The Ballot', J.S. Mill argued that 'the temptation sometimes comes from the interests of people who can influence the voter, and sometimes from the voter's own interests: that in the first case the ballot puts an end to the temptation, while in the second it removes only the restraints'.¹⁶ It is worth noting that, in an article headed 'French News' also published in the *Examiner* on 25 September 1831, J.S. Mill criticised secret voting in the French Chamber, regarding it as 'pure mischief'. What he called 'pure mischief' was the attempt to 'shield the representatives from responsibility to their constituents'.¹⁷ At this time, he did not yet extend his criticism to the electoral process, but restricted it to the voting procedures within the Chamber. But one might argue that Mill should have explained on what grounds he opposed the use of secret voting within the French Chamber, while defending its use in the electoral process. Nevertheless, it should be recognised that Mill was not simply contradicting himself, but rather making two different judgements, because he thought that voters in an election were at risk in a way that their representatives voting in the Chamber were not.

Following the same line of reasoning, Mill, in his review of *Rationale of Political Representation* by Samuel Bailey, on the one hand, defended the utmost publicity for the

¹³ J. Mill 'The Ballot', *Westminster Review*, 13 (1830), p. 38.

¹⁴ J.S. Mill, *Newspaper Writings December 1822-July 1831*, (CW), XXII, p. 206.

¹⁵ See J. Mill, 'The Ballot', p. 38.

¹⁶ J.S. Mill, *Newspaper Writings December 1822-July 1831*, (CW), XXII, p. 210.

proceedings of parliament and, on the other hand, the secret ballot.¹⁸ In this review published in 1835, he presented the following argument in favour of the adoption of the ballot: 'the votes at elections must be so taken, as to express the real sentiments of electors, and not the sentiments merely of some person who has the means of bribing or coercing them'.¹⁹ Crucially, the discussion of the ballot was here linked with the concept of accountability as the foundation of democracy. In this sense, the mechanisms of representative democracy should render those in power responsible to the people.

Until 1839 Mill was committed to the the secret ballot. He wrote to Alexis de Tocqueville on 7 January 1837 that the implementation of the secret ballot would bring a new era to politics and undermine the power of the aristocracy.²⁰ But more than this, in 1838, Mill, in an article published in *The London and Westminster Review*, equated radicalism with advocacy of the secret ballot..²¹ In 'Reorganisation of the Reform Party' published in April 1839 in *The London and Westminster Review*, and in a letter to John Mitchell Kemble on 14 October 1839, Mill still argued that the secret ballot was necessary, but did not advocated it as a defining feature of radicalism. In the article, Mill emphasised that the central object of radicalism was to add 'weight in the scale of the two elements of Numbers and Intelligence, and taking it from that of Privilege'.²² In the letter, he defined the radicals as those who 'wish to carry their changes beyond those which would be consented to by Whigs or Tories, & in particular who widen the basis of the representative system'.²³ The

¹⁷ J.S. Mill, *Newspaper Writings August 1831- October 1834*, (CW), XXIII, p. 335.

¹⁸ See J.S. Mill, *Rationale of Representation*, (CW), XVIII, pp. 17-46.

¹⁹ *Ibid.*, p. 25.

²⁰ See J.S. Mill, *Earlier Letters, 1812-1848*, (CW), XII, pp. 316-17.

²¹ See J. S. Mill, *Essays on England, Ireland, and The Empire*, (CW), VI, p. 409.

²² *Ibid.*, p. 479.

²³ J.S. Mill, *Earlier Letters, 1812-1848*, (CW), XIII, p. 410.

secret ballot was thus an instrument to threaten the aristocracy - a middle class doctrine, not a radical one: 'The ballot though in my opinion necessary, & but little objectionable, is passing from a radical doctrine into a Whig one as will be seen the moment it is carried. It is essentially a juste milieu, middle class doctrine'.²⁴

Mill's assertion that the secret ballot was passing into a middle class doctrine caused some puzzlement, due to the ardour of his previous defence of the secret ballot as a means of promoting radicalism and undermining aristocracy. Nevertheless, he was correct in that, 'after the elections of 1835 and 1837 more and more Whigs were inclined to agree that the ballot, while not necessarily acceptable as a principle, might be a valuable barrier against the conservative revival'.²⁵ This attempt to introduce the ballot as a barrier against conservatism correlated with Mill's strategy of promoting government of the middle classes in order to benefit the working classes. However, the relationship between the two classes was a very complicated one. If the majority of both classes were - as Mill stated in *Reorganisation of the Reform Party* - made up of 'natural Radicals', it would be easier for them to develop a common political programme.²⁶ However, it can hardly be denied that the groups had different degrees of interest in the secret ballot. The implementation of the secret ballot without the extension of the franchise was of no benefit to the working classes because they would remain excluded from the electoral process. Harmonising two different political agendas to facilitate an alliance was difficult. Thus, the defeat of Grote's motion to introduce the secret ballot in 1839 was to an extent the result of the difficulty of uniting the

²⁴ Ibid., p. 410.

²⁵ N. Gash, *Politics in the Age of Peel*, (London: Longman, 1966), p. 20.

²⁶ See J.S. Mill, *Reorganisation of the Reform Party*, (CW), VI, pp. 475-6.

middle and working classes against the aristocracy, and was also an important factor in sidelining the issue of the secret ballot during the 1840s.

According to Joseph Hamburger, the secret ballot was regarded by the radicals in the 1830s as a means of achieving a re-alignment of political forces. Their intention was to merge the question of the secret ballot with the question of the opposition between democracy and aristocracy. Regarding the secret ballot as a litmus test to verify the democratic convictions of politicians, the radicals expected the question to split the Whigs into two factions: one of aristocratic and another of liberal Whigs. The radical party would then be formed by an alliance between radicals and liberal Whigs. From the radical point of view, if such an alliance had occurred, it would have better reflected the real opposition existing in society between the interests of the people and those of the aristocracy.²⁷

B.L. Kinzer accepts Hamburger's analysis, and uses it as a wider context in which to understand the evolution of Mill's approach to the question. Furthermore, he shows that Mill did not develop a philosophical argument in favour of the secret ballot during the 1830s. His defence of the secret ballot in this period was designed to address the particular political circumstances, and thus 'was not of an abstract character'. In other words, Mill defended the secret ballot because he regarded it as tactically important in undermining the political influence of the aristocracy and in establishing the Radical party.²⁸

²⁷ See J. Hamburger, *Intellectuals in Politics: John Stuart Mill and The Philosophic Radicals*, (New Haven: Yale University Press, 1965), pp. 68-73.

²⁸ See B.L. Kinzer, 'John Stuart Mill and the Secret Ballot', *Historical Reflection*, 5 (1978), p. 22.

Mill's attempt to re-align political forces was then marshalled in Coleridgean fashion in that he aimed to reproduce, at the level of political representation, the clashes that he believed existed in society between conservative forces and the forces of progress. It is important to note, however, that from 1835 to 1840, Mill was assimilating influences that re-shaped his philosophical outlook. His article *Civilisation* (1836), his two reviews of *Democracy in America* (1835 and 1840), and his essay *Coleridge* (1840) reveal that Mill was making self-cultivation a central concern of his thought.²⁹ This concern would be given a philosophical basis many years later in *On Liberty* (1859) and in *Considerations on Representative Government* (1861), but some of its premises were operating in Mill's thought by the beginning of the 1840s. Mill's increasing acceptance of Tocqueville's insight that individuality and diversity must be protected, otherwise democracy could become stagnant and immobile, can be traced to this period. In a letter to Tocqueville on 11 May 1840, Mill expressed his agreement in these terms: 'the real danger in democracy, the real evil to be struggled against, and which all human resources employed while it is not yet too late are not more than sufficient to fence off - is not anarchy or love of change, but Chinese stagnation & immobility'.³⁰ The conception of democracy as a means of bolstering self-improvement was central to Mill's later thought and significantly influenced his account of the secret ballot.

The issue of the ballot was sidelined in the political debate during the 1840s.³¹ This was a period in which Mill withdrew from political activities. In the first part of the decade, he concentrated on his major philosophical work *A System of Logic* (1843). In many letters

²⁹ See W. Stafford, *John Stuart Mill*, (London: Macmillan, 1998), p. 38.

³⁰ J.S. Mill, *Earlier Letters, 1812-1848*, (CW), XIII, p. 434.

written in the first three years of the decade, Mill asserted that he was completely focused on writing this book. In one letter, addressed to John Robertson on 7 September 1841, Mill stated: 'I am doing and thinking of nothing but my Logic, which I shall soon have re-written the first half of'.³² In another, he related how his concentration on *A System of Logic* had precluded any involvement in politics: 'I have scarcely been thinking at all except on the two subjects I have just mentioned, Logic & the Romans. As for politics I have almost given up'.³³ This period was also marked by an important exchange of letters with leading French intellectuals such as Comte, Tocqueville, Guizot, Michelet, and others, which likewise suggests that Mill did not have sufficient time to pay attention to political debate, being focused on these other time-consuming activities. Another factor that may be helpful in explaining the absence of references to the secret ballot in this period is the prevalence of the debate over the repeal of the Corn Laws. However, it is possible to detect signs that, in the second half of the decade, his thought was evolving towards a commitment to an ideal of democracy that furthered self-improvement and opposed the dictatorship of the majority. Mill flattered Tocqueville by stating that he was the man in Europe whom he esteemed most highly, and in a letter to William Lovett, an influential leader of the Chartist movement, Mill openly asserted his concerns about democracy:

Those opinions, as you, at least, are aware, do not go with you to the full extent. The same horror which you yourself entertain of class legislation, makes me object, in the present state of civilisation at least, if not on principle, to a legislature absolutely

³¹ See J.H. Burns, 'J. S. Mill and Democracy, 1829-1861', pp. 281-307.

³² J.S. Mill, *Earlier Letters, 1812-1848*, (CW), XIII, p. 485.

³³ *Ibid.*, p. 543.

controlled by one class, even when that class numerically exceeds all others taken together.³⁴

During the second half of the 1840s, Mill devoted himself to writing and revising *Principles of Political Economy*. But he also 'spent six of those months writing forty-three leaders for the *Morning Chronicle* on the Irish potato famine, and continued to fulfil his duties at India House'.³⁵ In this period, there was still no explicit reference to the secret ballot.

Mill's first clear stand against secret voting appears in a letter to Lord Monteagle of 20 March 1853.³⁶ In this letter, Mill discussed the Reform Bill, which was under scrutiny at the time, and was intended to re-arrange the political system. Among the changes he regarded as necessary, Mill listed the following: the elimination of small constituencies by the merging of small towns into common electoral districts; the requirement of an educational qualification for all voters; and the enfranchisement of women. However, referring to the secret ballot, he stated that it would now be a step backwards instead of forwards.

It is difficult to estimate to what extent Harriet Taylor was responsible for Mill's opposition to the secret ballot, but there is no doubt that since their marriage in 1851, Mill's circle of friends had drastically diminished and she was his main intellectual interlocutor.³⁷ In 1853,

³⁴ Ibid., p. 533.

³⁵ W. Stafford, *John Stuart Mill*, p. 55.

³⁶ See J.S. Mill, *Later Letters, 1848-1873*, (CW), XIV, p. 103.

³⁷ Ibid., p. xxvi.

Mill wrote part of the essay *Thoughts on Parliamentary Reform*, which combined a programme of reforms that received subsequent revision and improvement, and was eventually published in 1859.³⁸ Mill had discussed in detail with Harriet the changes to be made to political institutions, and she preceded him in opposing secret voting and influenced his own opposition to it.³⁹ The rejection of secret voting was part of a programme that included a minimal education requirement for voting; a reconfiguration of the boroughs; measures to free candidates from a property qualification; and the adoption of the plural voting system. Plural voting was intended to combine the claim of each individual to be heard in public matters with the need to give superior value to the votes of those whose opinions were based on superior knowledge.⁴⁰ The arguments Mill advanced against the secret ballot were based on the notion that publicity was important in fostering the sentiment of responsibility that voters should possess towards others. Secrecy would be as detrimental to parliamentary proceedings as to the electoral process because, in both cases, voters would be prevented from being scrutinised by others, and thus would tend not to pay due attention to the grounds on which their decisions were made.⁴¹ The voting process should, therefore, be undertaken under public scrutiny, because the possibility of their choice might be criticised was essential in making voters aware of their responsibilities towards others. Mill claimed that he had defended the secret ballot thirty years earlier in order to prevent coercion by landlords and employers, but with changing circumstances, the selfishness of the electorate had become a much greater concern than

³⁸ See J.S. Mill, *Rationale of Representation*, (CW), XVIII, p. xxix.

³⁹ See J.S. Mill, *Autobiography and Literary Essays*, (CW), I, p. 261.

⁴⁰ See J.S. Mill, *Thoughts on Parliamentary Reform*, (CW), XIX, pp. 223-30.

⁴¹ See *ibid.*, p. 335.

such coercion.⁴² Once lower-rank electors were not subservient to those of higher rank, each voter should act with an awareness of the opinions of other people. Mill did not claim that intimidation had been eclipsed, but argued that it was no longer the most significant threat to the electoral process. In fact, he detected in the spread of bribery a clear sign that local influences, such as those exercised by landlords, customers, and employers, had weakened.⁴³ If voters were being dominated by these local influences, bribery would have been neither necessary nor possible. Rather, in Mill's view, voting patterns indicated that electors were selling their votes because non-local interests were prevailing. The dominance of the commercial spirit was, therefore, responsible for encouraging the unfettered pursuit of material goods, thereby destroying the loyalties and ties on which local influences had been built.

In *Thoughts on Parliamentary Reform* Mill argued that the secret ballot could create a sort of 'schizophrenic' citizenship, introducing the possibility that choices would be made for selfish reasons, but that they would be publicly justified on other grounds. In Mill's opinion, this was a threat to the most noble characteristic of the English national character, namely truthfulness. Mill saw a respect for the truth as one of the few aspects of morality in which the English people were distinguished:

There are but few points in which the English, as a people, are entitled to the moral pre-eminence with which they are accustomed to compliment themselves at the expense of other nations: but, of these points, perhaps the one of greatest importance

⁴² See *ibid.*, p. 332.

⁴³ See *ibid.*, p. 333.

is, that the higher classes do not lie, and the lower, though mostly habitual liars, are ashamed of lying. To run any risk of weakening this feeling, a difficult one to create, or, when once gone, to restore, would be a permanent evil too great to be incurred for so very temporary a benefit as the ballot would confer, even on the most exaggerated estimate of its necessity.⁴⁴

Mill's mature thought on the secret ballot was again revealed in *Considerations on Representative Government*, and can be summarised as follows: its adoption would bring no good capable of outweighing the evils that it would necessarily cause. Political institutions were required to promote civic education, and the secret ballot should be rejected because it failed to do so. The central object of *Considerations on Representative Government* was to provide the theoretical foundation on which the institutional framework of the state could be built. The institutions in question should be evaluated according to their appropriateness in promoting individual improvement, itself grounded in autonomy. The way in which such institutions operated was important because it determined the way in which people participated in deliberation over the life of the community, and such participation was vital in shaping both individual character and social life generally. In this sense, institutions were vital in increasing the scope of human capabilities by exposing individuals to a wide range of experiences, challenges, and influences. So, for Mill, the voting process should be a means of promoting both individual and social improvement. It was not merely a private matter. If it were so, voters could hardly be blamed for trading their votes.⁴⁵ Secrecy was thus justifiable only in places where intimidation could occur. As

⁴⁴ Ibid., p. 338.

⁴⁵ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, pp. 488-9.

far as Mill had been able to observe, the coercion of voters was declining, therefore intimidation could not be cited as a sufficient reason for defending the secret ballot:

But in the more advanced States of modern Europe, and especially in this country, the power of coercing voters has declined and is declining; and bad voting is now less to be apprehended from influence to which the voter is subject at the hands of others, than from the sinister interests and discreditable feelings which belong to himself, either individually or as a member of a class. To secure him against the first, at the cost of removing all restraint from the last, would be to exchange a smaller and a diminishing evil for a greater and increasing one.⁴⁶

The idea that the act of voting should be performed publicly because it concerned public life was presented both in *Thoughts on Parliamentary Reform* and in *Considerations on Representative Government*. In the latter, Mill clearly stated that voters were under an obligation to give priority to public over personal interests, and were consequently morally obliged to choose the alternative that they regarded as most beneficial to society. Secrecy was unacceptable in the voting process even when universal suffrage had already been achieved.⁴⁷ This is founded on the key idea of Mill's political philosophy, namely, that active intellectual effort was paramount in promoting human improvement, because it entailed the exercise of reason in questioning settled opinions, a task that passive characters were not likely to undertake.⁴⁸

⁴⁶ Ibid., p. 491.

⁴⁷ See *ibid.*, p. 490.

It must also be noted that both *On Liberty* and *Considerations on Representative Government* are deeply marked by Mill's sense that the dynamic of nineteenth-century democratic society favoured collective mediocrity. The hegemony of the commercial spirit, with its crass materialism and increasing concentration of the power of the state, represented a direct threat to individuality and diversity. Under the powerful influence of these factors, individuals tended to collude with the spirit of the times, and found it difficult not to follow the prevailing social influences. These forces were so hostile to individuality that, for Mill, the most urgent task was to introduce institutional procedures to counteract them, and thereby to prevent society from descending into uniformity and thereafter into stagnation. Mill believed that real improvement in society would be preceded by changes in mentality.⁴⁹ Nevertheless, he was convinced that the situation was not favourable to such changes. In view of this he thought it was necessary to discuss the implementation of the institutional procedures needed to counteract the social forces of standardisation. In summary, he thought society would soon enter a situation in which it would be virtually impossible to bolster diversity, and he hoped to avoid this by implementing suitable legislation. Moreover, without adequate institutional devices, the ideal of truly democratic society would become unachievable. Mill's concerns over the route which nineteenth-century society was taking were expressed in this passage from *Considerations on Representative Government*:

The natural tendency of representative government, as of modern civilisation, is towards collective mediocrity: and this tendency is increased by all reductions and

⁴⁸ See *ibid.*, p. 407.

⁴⁹ See J.S. Mill, *Essays on Government*, (CW), XVIII, p. 151.

extensions of the franchise, their effect being to place the principal power in the hands of classes more and more below the highest level of instruction in the community. But though the superior intellects and characters will necessarily be outnumbered, it makes a great difference whether or not they are heard. In the false democracy which, instead of giving representation to all, gives it only to the local majorities, the voice of the instructed minority may have no organs at all in the representative body. It is an admitted fact that in the American democracy, which is constructed on this faulty model, the highly-cultivated members of the community, except such of them as are willing to sacrifice their opinions and models of judgement, and become the servile mouthpieces of their inferiors in knowledge, seldom even offer themselves for Congress or State legislatures, so little likelihood have they of being returned.⁵⁰

In 1868, Mill took a firm stand against the secret ballot. In a letter published on 31 July in the *Daily News*, Mill asserted that John Bright had misunderstood his position in suggesting that he was in favour of the secret ballot in Ireland. Bright had claimed, in a speech to his constituents on 24 July 1868, that Mill was in favour of a trial of the secret ballot in Ireland. Mill made two main points in response: first, that he was against the adoption of secret voting in Ireland; and second, that he had voted against its adoption there.⁵¹ Earlier, in a letter addressed to William Dougal Christie of 6 June 1868, Mill had expressed regret over the support given by Radicals to the introduction of the secret ballot, on the grounds that it was an essential step in improving the political system. For Mill, improvement could be

⁵⁰ J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 457.

⁵¹ See J.S. Mill, *Newspaper Writings December 1847-July 1873*, (CW), XXV, p. 1218.

achieved more effectively by the strict implementation of the Bribery Bill.⁵² In both letters, Mill supported the idea that voting should be subjected to public scrutiny. In this way, Mill reasserted a position that he had articulated in *Considerations on Representative Government*, where he had stated that the secret ballot was not able to prevent bribery and selfishness, factors that endangered the electoral process. In order to meet these threats, legislation was needed to render voters accountable to society. Otherwise they would tend to use their votes to favour their own interests, rather than to promote those of society. In this way, secrecy, by preventing public criticism, would undermine voting as an accountable moral act:

This being admitted, it is at least a *prima facie* consequence, that the duty of voting, like any other public duty, should be performed under the eye and criticism of the public; every one of whom has not only an interest in its performance, but a good title to consider himself wronged if it is performed otherwise than honestly and carefully. Undoubtedly neither this nor any other maxim of political morality is absolutely inviolable; it may be overruled by still more cogent considerations. But its weight is such that cases which admit a departure from it must be of a strikingly exceptional character.⁵³

As late as 1870, Mill, in a letter to Rowland G. Hazard, showed great concern over the fact that the secret ballot was going to be tried in Britain. This was an attitude that he had expressed openly from at least 1853, but which had only received its first theoretical

⁵² See J.S. Mill, *Later Letters, 1849-1873*, (CW), XIV, p. 1409.

⁵³ J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 490.

statement in *Thoughts on Parliamentary Reform* (1859). In his letter to Hazard, Mill attributed the success of the secret ballot in America to the fact that it was regarded there as a convenient means of collecting votes, and had not been specifically implemented for some substantive purpose. According to Mill, the American system had not undermined voting as an accountable moral act, because the American people were not accustomed to keeping their votes secret. Thus, secrecy was not, in fact, a feature of the American political system. Mill believed, however, that if the secret ballot were introduced in Britain, there would result an ever-decreasing level of moral responsibility amongst its citizens. Mill suggested that it would be better to place voting under collective scrutiny, since it would then further civic education. In the end, voters would pay more attention to their choices because they would be public and could be criticised. Of course, for Mill, controversy over political choices was not only desirable but essential in making people understand the complexity of what they were doing. In his letter to Hazard, Mill stated his disapproval of the ballot in the following way:

I am much obliged to your son for the information you kindly sent respecting the operation of the Ballot in the United States. From these and other communications I infer that the popularity of that method of voting in America depends upon its convenience as a mode of collecting large numbers of votes, and not upon its secrecy, which, as a general rule, does not exist in America. It is now, to my great regret, going to be tried in the United Kingdom; for, having been proposed by Mr. Gladstone's Government, it is sure to be carried before long. Voting by putting tickets into a box is a very good method, provided that each voter signs his ticket with his name. But in England the object in view is to conceal the name; and though

the voters can scarcely, by any change, be made to feel less moral responsibility for their votes than a great proportion of them do now, I believe that the secrecy of the vote will tend very much to prevent the growth of a feeling of moral responsibility in time to come, while it will shield from all discredit the man who votes contrary his known or professed opinions.⁵⁴

It has been suggested that Mill's political philosophy is marked by a concern to promote civic education. This can be seen, for example, in his idea that government was a sort of educational agency, in his belief that dictatorships were detrimental because they inhibited societal improvement, and in his rejection of the secret ballot. At the end of his life, he advocated the open voting system as an appropriate means of bolstering responsibility and engaged reasoning, and consequently civic education. Mill followed the secret ballot debate from the period of the Great Reform Act in 1832 up to the time of the Ballot Act of 1872. The Great Reform Act of 1832 was enacted to include the middle classes in the political system and thus bring the electoral system in line with the new social reality of Britain. The number of voters was increased due to the lowering of the property qualification, and the representation of the boroughs was changed so as to establish a more equal correlation between the number of representatives and the number of voters in each constituency. Fifty-six smaller English boroughs were disenfranchised. Before 1832, the middle classes had been growing in number and economic power, but the representation of the urban areas in which most of them lived was not in proportion to the population. The so-called rotten boroughs were small constituencies generally controlled by aristocrats and other wealthy patrons, and with a number of representatives in excess of their real size in terms of

⁵⁴ J.S. Mill, *Later Letters, 1849-1873*, (CW), XVII, pp. 1723-4.

population. The changes favoured the Whigs, who came to dominate the political scene for a significant time. The extension of voting mainly benefited industrialists and professional males, although the composition of the parliament after the act remained largely influenced by aristocracy. It is appropriate to bear in mind that, from a democratic point of view, inadequacies remained in the political representation and that Britain remained committed to a tradition of gradualism and reform.⁵⁵ Besides, the Great Reform Act virtually excluded the working classes from the franchise. It is, therefore, correct to say that, 'on the whole, however, the new borough voters were petit bourgeois or middle-class'.⁵⁶ By the by, representatives of radical opinion such as William Lovett, founder of the National Union of the Working Classes, rejected the Great Reform Act, because it did not establish universal manhood suffrage.⁵⁷

Secret voting was introduced by the Ballot Act of 1872. Most of the urban working classes had already been enfranchised by the Reform Act of 1867. Enfranchisement was preceded by large campaigns in many British cities, and its success is partially to be attributed to the capacity of the Trade Unions to mobilise support, and to the advocacy of John Bright.⁵⁸ His influence over Gladstone was of paramount importance in implementing the secret ballot at a time when it was not deemed a particularly important political question. In 1871, a similar Bill had been thrown out of the House of Lords. John Bright had long been campaigning with Richard Cobden to implement the secret ballot. Cobden died in 1865, but Bright continued to work towards its introduction. Hawkins notes that, 'by 1872 the Ballot was

⁵⁵ See E.J. Evans, *The Great Reform Act of 1832*, (London: Methuen, 1983), p. 43.

⁵⁶ D.G. Wright, *Democracy and Reform 1815-1885*, (London: Longman, 1970), p. 51.

⁵⁷ See I. Mahin, *The Rise of Democracy in Britain, 1830-1918*, (London: Macmillan, 2001), p. 17.

⁵⁸ See A. Hawkins, *British Party Politics, 1852-1886*, (Hong Kong: Macmillan, 1998), pp. 109-11.

the price Gladstone had reluctantly to pay for Bright's continued support'.⁵⁹ Gladstone gave up his opposition to the secret ballot in order to retain Bright's support, and in consequence of the new political situation generated by the 1867 Act, which had extended the franchise to people more vulnerable to coercion and bribery, a feature of the general election of 1868:

Observing in an 1870 ballot speech that whereas the possession of property and a degree of independence had been characteristic of the pre-1867 electorate, those enfranchised by the second Reform Act were 'dependent for their bread upon their daily labour' and consequently extremely vulnerable to the exercise of coercive influence. Thus the combination of the 1867 Reform Act and the extent of corruption and intimidation at the 1868 general election contributed to re-shaping Gladstone's view of the ballot.⁶⁰

Mill's opposition to the line of argument supported by Bright and reluctantly adopted by Gladstone has been emphasised in this chapter. Mill feared that the secret ballot would undermine civic education and thus hinder the establishment of his ideal Athenian society. He thought that open voting would be more favourable to the improvement of society. By contrast, when the ballot was used as a device to prevent open debate, the stimulus to self-improvement was denied to both people and society. The voting system should be an institution that broadened the range of people's interests by showing them that the well-being of the community depended upon the co-operation of all of its components. Moreover, open voting had the further benefit of making citizens aware that their choices

⁵⁹ Ibid., p. 163.

affected other people's lives, and allowed them to be held accountable before society. It is quite remarkable that the Athenian democracy had many devices which purported to render officials accountable due to the fact that they were randomly selected.⁶¹ As J. Elster points out, the political culture associated with such a democracy was extremely result-oriented, in that people could be punished for an unforeseen but unfortunate outcome of their actions. Nevertheless, it incorporated mechanisms for preventing the mob from behaving irresponsibly by putting checks on them. Therefore, in any democracy, it is necessary to put checks both on the people and on its agents.⁶²

A survey of Mill's thought on the secret ballot shows that his ideal of democracy, based on self-cultivation and opposition to the dictatorship of the majority increased in strength following his review of Toqueville's *Democracy in America*, and was linked with his concern for accountability, first formulated in theoretical terms in his review of Samuel Bailey's *Rationale of Political Representation* (1835). His notion of accountability was so all-encompassing that it required not only that those in power were to be held responsible before society for their actions, but that individuals were accountable for their votes as well. Mill's notion of democracy favoured participation in political life and wide-ranging mechanisms to make both people and officials accountable. Both Mill's and the classical notion of democracy oppose despotic regimes, and are committed to the idea that government should be carried on through political struggle. However, Mill's conception of democracy is not a Greek one because it is a representative democracy, and not a direct

⁶⁰ B.L. Kinzer, 'The Failure of Pressure from without: Richard Cobden, the Ballot Society, and the Coming of the Ballot Act in England', *Canadian Journal of History*, 13 (1978), p. 418.

⁶¹ See J. Elster, 'Accountability in Athenian Politics', in A. Przeworski, S.C. Stokes and B. Manin (eds), *Democracy, Accountability and Representation*, (Cambridge: Cambridge University Press, 1999), p. 264.

one. As a matter of fact, the idea of representation emerged in the late middle ages in the context of an organic conception of society. According to this view, society is like a living entity, easily damaged or destroyed when subjected to drastic changes. Members of society are linked by relationships that determine their role in the social order, thus shaping their identities. M.V. Clarke argues that an anonymous tract written in the fourteenth century, entitled *Modus Tenendi Parliamentum*, is an illuminating document, since it advocated a balanced distribution of power between the estates that formed society, and precluded any irrevocable delegation of power in favour of a continually renewed delegation for specific acts. This appears to be motivated by a concern for accountability.⁶³ Mill, however, did not relate his defence of representative government to medieval institutions, and assumed that, somehow, representation fulfilled a role in modern society that corresponded to that performed by direct democracy in ancient Greece. In the end, representative democracy was seen to be necessary because of the impossibility of reconstituting in modern times the ancient assemblies of Greece.

1.4. COMMENTS ON THE BALLOT

The object of this section is to provide a critical analysis of the commentaries on Mill's position on the question of the secret ballot. It is important to show the limitations of these accounts in order to clarify Mill's reasons for defending the secret ballot in his early career. The critical evaluation of these accounts will underpin the argument of the next section,

⁶² See *ibid.*, pp. 166-7.

⁶³ See M.V. Clarke, *Medieval Representation and Consent: a study of early parliaments in England and Ireland with special reference to Modus Tenendi Parliamentum*, (New York: Russell & Russell, 1964), pp. 4-6.

which will suggest that Mill was wrong in his defence of the open ballot because he misunderstood the very nature of the voting process. The ballot is one of the most neglected topics in Mill scholarship, although many authors have remarked upon it in passing.

In the early 1940s, Schapiro extolled Mill as a pioneer of democratic liberalism in England.⁶⁴ He argued that Mill recognised more than any of his contemporaries that every citizen should have a degree of control over the state, because its affairs were of concern to everyone. Nevertheless, Schapiro regarded Mill's rejection of secret voting as basically flawed because of the demand it made on vulnerable electors to maximise utility to their own detriment: 'like the puritan that he was, he condemned those who yielded to coercion even more than those who did the coercing'.⁶⁵ In this way, Schapiro believed that Mill, misled by his moralistic approach, failed to appreciate the benefits that the secret ballot could bring to society.

To an extent, Schapiro was correct in drawing attention to Mill's moralist inclinations: on various occasions, Mill failed to recognise that the political alternative most compatible with his moral ideals could not be implemented in practice. His ambition to establish a radical party based on an alliance between Radicals and Liberal Whigs, thus stirring up radical sentiments supposedly latent in society and kick-starting a new era in British politics, is an example of his lack of realism. As has already been shown, Mill's idea of aligning the middle and working classes around a radical agenda proved to be unfeasible. Mill and the Philosophical Radicals thought of themselves as representing the interests of

⁶⁴ See J.S. Schapiro, 'John Stuart Mill, Pioneer of Democratic Liberalism in England', *Journal of the History of Ideas*, 4 (1943), p. 141.

society as a whole, and regarded Chartism, for example, as merely a class-based movement. The fact is that Mill was moved by ideals that did not match reality, whereas ‘both middle and working-class parties implicitly acknowledged inherent conflict within the populace and thus denied the validity of the conception of universal interests and the social reality of “the people”’.⁶⁶

Mill’s rejection of the secret ballot was a further occasion on which he failed to appreciate the impracticality of his ideals. Nevertheless, it is important to note that Mill believed that open voting should be the norm, but that it might be overruled in exceptional situations, and, in this sense, it was not an ‘inviolable norm of public morality’.⁶⁷ Mill assumed that the power to coerce was in decline, and that the sinister interests of individual voters presented a greater challenge to the well-being of society. In opposing secrecy, he aimed to harmonise his moral ideals of improvement with what he regarded as the most suitable way of promoting them. Schapiro’s criticism only took into account local influences over voters, while, for Mill, the influence of traditional agencies of social control over the electoral process was outweighed by the overwhelming influence of a commercial spirit that favoured selfishness and standardisation. Mill regarded the general diffusion of the commercial spirit as not only a powerful influence, but one with which individuals tended to collude. Inspired by Guizot’s view that individual character was growing weaker in modernity, and Tocqueville’s warnings that the despotism of opinion was a threat to human improvement, Mill designed institutions intended to counteract these tendencies in modern society. The secret ballot was one of these institutions. He hoped that institutional

⁶⁵ Ibid., p.141.

⁶⁶ J. Hamburger, *Intellectuals in Politics: John Stuart Mill and The Philosophical Radicals*, p. 254.

mechanisms would prove effective in counteracting these general tendencies by reinforcing the characteristics of those individuals strong enough to oppose it. Therefore, these institutions would exploit aspects of national character in order to produce the effects at which they were aimed. The component of the British national character that Mill praised highly was truthfulness; in this respect he thought that the British people were entitled to moral pre-eminence over other nations.⁶⁸ However, just as the Romans acquired virtues that were not common in southern Europeans types of national character by subjecting themselves to discipline, the British might lose their virtues through lack of discipline.⁶⁹ Thus for Mill, the voting process needed to be open because, as a social institution, it would reinforce the propensity of the British people to be truthful and to exercise self-assertiveness and vigour, which were *par excellence* the means to counteract standardisation. This disciplinary element of voting should not be understood as an artificial control over individuals, but as an effort to strengthen the characteristics that they already possessed but that nonetheless needed to be exercised to retain their vitality.⁷⁰ The absence of any such discipline would weaken the individual character, and render it unable to counteract the prevailing ethos. Mill's reasoning implies that a secret voting system would lead the British people to lose their sense of responsibility. Such a loss would be damaging, in Britain more so than elsewhere, because the British were marked by an unusual lack of social feeling. In this way, every man entrenched within his family, feels a kind of dislike and repugnance to every other, because there is hardly any concern in

⁶⁷ J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 490.

⁶⁸ See J.S. Mill, *Thoughts on Parliamentary Reform*, (CW), XIX, p. 338 and *Public and Parliamentary Speeches November 1850-November 1868*, (CW), XXVIII, 1988, p. 253.

⁶⁹ See J.S. Mill, *Essays on Equality, Law and Education*, (CW), XXI, p. 309.

⁷⁰ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, pp. 400-1.

England for great ideas and the larger interests of humanity'.⁷¹ Mill cannot be counted among those who believe that individuals should care for nothing other than themselves and their families. Most of the misunderstandings over Mill's account of the secret ballot arise out of a disregard of the importance of national character in Mill's theoretical framework:

For unlike, say, 'social structure' or 'modes of production', the explanatory framework provided by 'national character' maintains the focus on political affairs, partly by emphasising the importance of the political events which shaped the unique course of each national history, partly simply by taking the 'nation' (and most often the 'nation state') as the primary analytical unit and its politics and statecraft as the essential expression of its identity. It is this reciprocal relation between 'character' and political institution which really engages Mill's interest.⁷²

B.L. Kinzer claims that the emotional overtones of Mill's arguments against the secret ballot resembled the frequent stigmatisation of secret voting as 'un-English' by ordinary people.⁷³ Kinzer refers to an article in *The Times* in which the secret ballot was portrayed as inconsistent with the national characteristics of 'publicity and self-respect' on which British institutions had to be based to work properly.⁷⁴ The inclination to associate secret voting with deceit, slyness, and knavery, and open voting to manliness, honesty, and Englishness, which was present in Mill's opposition to the secret ballot, was present in many of his

⁷¹ J.S. Mill, *Papers on Women's Rights*, (CW), XXI, p. 385.

⁷² S. Collini, 'The Tendencies of Things: John Stuart Mill and the Philosophic Method', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought*, 4 vols., (London: Routledge, 1988), iv. 99-100.

⁷³ See B.L. Kinzer, 'The Un-Englishness of the Secret Ballot', *Albion* 3 (1978), p. 237.

fellow-citizens. Kinzer remarks: 'a wide belief in the ballot's essential un-Englishness contributed significantly to the difficulties encountered by dedicated advocates of secret voting in their efforts to mobilise popular support on its behalf'.⁷⁵ However, it is necessary to have a deeper appreciation of the extent to which the view that the secret ballot was un-English dovetailed with Mill's concern to promote the valuable aspects of national character. There were differences between Mill and popular critics of the secret ballot: first, the latter drew heavily on national rivalries with the central aim of showing the superiority of English virtues over the vices of foreign nations; and second, Mill purported to organise social institutions in a way that invigorated the valuable characteristics of the national character, thereby counteracting the ethos of the commercial society. Mill accepted the broad conclusions of the popular critics of the secret ballot, although for him the point-scoring comparison between nationalities was irrelevant, since the institutions of each nation should be designed according to its national character, otherwise they would fail to achieve their purposes.⁷⁶ But Mill shared with the popular critics the conviction that the open ballot was congenial to the British people. In the article in *The Times* referred to by Kinzer, there were some passages which implied that secret voting was something almost unnatural. It was a mechanical device imposed on people to make them achieve by artificial means what they were incapable of achieving by means of moral agencies:

Freedom, on the other hand, puts her reliance on the contrary of all this, - on a living mind to work on mind, - on checking abuses by the strength of an opinion which she is continually striving to form and to enlighten, - on the influence which men

⁷⁴ *The Times*, 10 December 1856.

⁷⁵ B.L. Kinzer, 'The Un-Englishness of the Secret Ballot', p. 256.

exercise on each other without interference and without violence, in a society the public action of which is criticised by public speech. We have seen a hundred times mechanical pitted against moral force, and uniformly with the complete defeat of the former. Opinions are formed in spite of the censorship, and votes will be made known in spite of the ballot-box. The will of man will overleap all hindrances that may be placed in its way; and the will of man in this instance is to publish the very thing that Greenwich wishes to conceal. Before the change could be made to operate as it is wished in England you must effectually change the character of the English people.⁷⁷

The secret ballot was ranked amongst 'those contrivances on which despotism mainly relies', and was thus a hindrance to the circulation of ideas. This was the kernel of the debate, because here the 'un-Englishness' claim levelled against the secret ballot dovetailed with Mill's account, in that both accepted that secrecy blocked the diffusion of information and thus had a detrimental effect on society. Mill was worried about the implications of adopting the secret ballot. The belief that the secret ballot was detrimental to the diffusion of information explain why popular support for it had never been especially strong in England, even amongst the Chartists.⁷⁸ The popular perception of the secret ballot correlated with Mill's confidence in the desire of the average man to listen to reasoned arguments, provided the channels to truth were kept open: appeal to facts and not to prejudices, open discussion, and freedom of assembly. For Mill, if the secret ballot were

⁷⁶ J.S. Mill, *Considerations on Representative Government*, (CW). XIX, p. 394.

⁷⁷ *The Times*. 10 December 1856.

⁷⁸ See B.L. Kinzer, 'The Un-Englishness of the Secret Ballot', p. 249; and 'The Failure of Pressure from without : Richard Cobden, the Ballot Society, and the Coming of the Ballot Act in England', pp. 405-10.

introduced people would be prevented from knowing the reasons for other people's choices, which would be at odds with the very core of Mill's political philosophy:

Rather, the emphasis is on the fact that people must be free to hear all that has to be said on the topic if they are to develop and grow in their individuality. Freedom of thought is therefore ultimately justified not on the individuals' right to express opinions but on the right of individuals to hear opinions expressed.⁷⁹

Accountability, a central concern of Mill's political thought, would be undermined if secret voting were implemented: this would represent a threat to society, both because opinions would be allowed to pass unchecked, and because people would not profit from hearing and debating other people's opinions. Mill's account relied on his view that national character was a central analytic category of political reasoning, and on his perception that truthfulness was a pre-eminent characteristic of the British national character. The popular supporters of the 'un-English' argument did not possess such a methodological framework. Nevertheless, they shared the fear that the absence of openness in elections would destroy voting as an exercise of accountability.

D.C. Moore thought that Mill accepted the idea that the deference that members of communities accorded to local political authorities and leaders was a legitimate form of influence, because of the importance of the local influences and institutions in social life.⁸⁰

⁷⁹ K.C. O'Rourke, 'John Stuart Mill and Freedom of Expression: The Genesis of a Theory', (London: Ph.D, 1999), p. 144.

⁸⁰ See B.L. Kinzer, 'John Stuart Mill and the Secret Ballot', pp. 35-7; D.C. Moore, *The Politics of Deference*, (Hassocks: Harvester Press, 1976), p. 410.

For Moore, Mill's support of open voting was an attempt to maintain the influence of these agencies which had been growing weaker. Kinzer rebuked Moore in the following terms:

As for his comments on J.S. Mill and the ballot, Moore misinterprets in a rather fundamental way the discussion of the question in *Thoughts on Parliamentary Reform*. Mill does assign a disciplinary function to 'public opinion'. But he does not here mean 'the traditional agencies of social control', since for Mill such would signify the power of landlords and employers to dictate to their dependents, and he certainly had no regrets about the weakening of that power. What concerned him was the need to establish effective new moral agencies to counteract the tendency, as he saw it, of electors to vote on the basis of selfish considerations now that they were no longer subject to dictation.⁸¹

The lack of understanding about national character as an important analytic category in Mill's political reasoning prevents both Kinzer and Moore from assessing the question in its proper perspective. To do this, one must take into account Mill's belief that English national character was also marked by a propensity to praise public opinion, the 'intolerant temper of national mind', and thus to restrain mental freedom, in contrast to Continental Europe, where the main source of restriction was government.⁸² In short, what he called the despotism of public opinion was 'the general habit, both in opinion and in conduct, of making adherence to custom the rule of life, and enforcing it, by social penalties, against all

⁸¹B.L. Kinzer, 'John Stuart Mill and the Secret Ballot', p. 36.

⁸² See J.S. Mill, *Principles of Political Economy*, (CW), III, p. 799.

persons who, without a party to back them, assert their individual independence'.⁸³ Public opinion was an important influence acting upon open voting, even though, in *On Liberty*, Mill argued that public opinion should be precluded from encroaching upon the private sphere of conduct.⁸⁴ Mill expected the effects of public opinion on the electoral process to be beneficial, with voters, under the salutary pressure of public opinion, supposed to provide sound grounds for their choices. Hence, Mill built upon the propensity of the British to extoll public opinion in order to avoid selfish-spirited voting. In this way, Joseph Hamburger is correct to assert the following:

Mill's wish to use shaming to improve the character of selfish and miserably individualistic persons is evident in his views on the ballot. Whereas earlier, in keeping with acceptance of orthodox Benthamism, he had been a strong advocate of the secret ballot, by the time *On Liberty* was written his opinion had changed radically. Now Mill wanted voters to cast their ballots openly, in full view of their fellow citizens. The purpose, he claimed, was not to influence how votes were cast but to force voters to be prepared to explain and defend the ways they voted.⁸⁵

The influence of traditional agencies of social control over the electoral process was being replaced by the overwhelming influence of the spirit of the age which favoured selfishness and standardisation. For Mill, traditional agencies could not exert the influence they used to have in the past because electors 'are no longer passive instruments of other men's will -

⁸³ Ibid., p. 935.

⁸⁴ See J.S. Mill, *On Liberty*, (CW), XIX, p. 225.

⁸⁵ J. Hamburger, *John Stuart Mill on Liberty and Control*, (Princeton: Princeton University Press, 1999), p. 173.

mere organs for putting power into the hands of a controlling oligarchy'.⁸⁶ Mill assumed that the involvement of people in local government, juries, and voluntary associations would bring about a civic culture that, by relying on local autonomy, would offset the force exerted by public opinion. Otherwise, the very public opinion supposed to purify the electoral process from selfishness would be converted into a new form of tyranny. Mill's conception of citizenship saw a moralising potential in political participation. Larry Siedentop calls this idea a salutary myth and attributes its creation to Tocqueville.⁸⁷ Mill, however, did not clarify how these new moral agencies would operate to prevent the forces of standardisation from operating unchecked, and neither did he state what role the existing local loyalties and hierarchies might still perform in the process. Therefore, Moore is, to an extent, correct to say that Mill begged the question by not articulating what was to be regarded as legitimate in these local relations.⁸⁸ Nevertheless, this is not enough to underpin Moore's idea that Mill was trying to reinforce the traditional agencies of social control, rather to empower new agencies. Kinzer, therefore, is correct to claim that Mill was trying 'to establish effective new moral agencies to counteract the tendency, as he saw it, of electors to vote on the basis of selfish considerations now that they were no longer subject to dictation'.⁸⁹ Having said that, he should have recognised that Mill did not necessarily exclude the influence of local loyalties in the electoral process, albeit not in the way that Moore thinks. In fact, Mill's objective was to promote a participatory process in which the basic elements of the national character were used to keep society moving forward, through a system of contending forces. The success of such a process required the involvement of

⁸⁶ J.S. Mill, *Thoughts on Parliamentary Reform*, (CW), XIX, p. 333.

⁸⁷ See L. Siedentop, *Tocqueville*, (Oxford and New York: Oxford University Press, 1994), pp. 89-92.

⁸⁸ See D.C. Moore, *The Politics of Deference*, p. 405.

⁸⁹ B.L. Kinzer, 'J.S. Mill and the Secret Ballot', p. 36.

groups of people in local government, juries, and voluntary associations, and in the electoral system. For Mill, in relation to the latter, the open ballot was paramount because it rendered government accountable to society and individual voters accountable to public opinion. Nor should it be forgotten that Mill believed that deference to hierarchy was a general characteristic of the English people that went beyond the question of the subjection of the voters:

There is no hostility to aristocracy in England; the people would far rather be governed by their superior than by their equals. Like all other nations, they had the partiality of habit for the institutions under which they had grown up; and the artifices of a whole century had wrought up this partiality into one of the most obstinate of prejudices.⁹⁰

William Stafford claims that when Mill repudiated the secret ballot it was not assumed, as it tends to be today, that its adoption would necessarily be conducive to social improvement.⁹¹ According to Stafford, Mill was trying to further public-spirited voting and to prevent the prevalence of selfish interests in the electoral process, which he thought would occur if the secret ballot were introduced. Secrecy would weaken public morality, whereas 'publicity and criticism would encourage public spirit, and the advantages of this outweighed the dangers of bribery'.⁹² Mill did not, of course, have the sort of experiences of voting that people living in contemporary society have, but still, it is worth pointing out that he was acquainted with the operation of the secret ballot in, for instance, the United

⁹⁰ J. S. Mill, *Essays on England, Ireland, and The Empire*, (CW), VI, p. 339.

⁹¹ See W. Stafford, *John Stuart Mill*, pp. 119-20.

States, Holland, Belgium and even Australia, in some of which its success was recognised. Despite these examples, however, Mill retained his opposition to the secret ballot. He retained this opposition precisely because he understood that the introduction of the secret ballot would be bound to have a very specific impact in Britain, due to the peculiarities of its national character.

C.L. Ten claims that Mill defended open voting on the grounds that the public nature of the act would make voters justify their choices more carefully, and that he believed that the risks of selfish-spirited voting far outweighed those of illegitimate pressure upon voters.⁹³ Mill advocated a process of civic education that did not neglect the social aspects of human beings, and, therefore, rejected atomistic individualism. For Mill, individuality presupposed the capacity to continually re-evaluate and exchange experiences with others.⁹⁴ Ten is correct to point out that Mill saw the open ballot as a means of making people examine the grounds of their choices. It is reasonable to suppose that the process of discussing and comparing ideas makes it possible to identify errors and strengths in each point of view, whilst at the same time permitting the participation of individuals in the shaping of social institutions. However, Ten fails to see that Mill's emphasis on the necessity of open voting reveals a certain disparity between his idea that individuals were not selfish beings and his conviction that self-interest would prevail if voting were secret. In the end, the secret ballot has proven not to be hindrance to debate and engaged reasoning in the voting process. But if one assumes that it leads necessarily to egotistic decisions, then one remains committed

⁹² Ibid., p. 120.

⁹³ See C.L. Ten, 'Democracy, socialism, and the working classes', in J. Skorupski (ed), *The Cambridge Companion to Mill*, (Cambridge: Cambridge University Press, 1998), p. 383.

⁹⁴ See J.S. Mill, *Papers on Women's Rights*, (CW), XXI, p. 385.

to a conception of individuality that is certainly not altruistic. And again, while open voting puts voters under the scrutiny of their fellow-citizens, it does not necessarily cause engaged reasoning and debate. These questions should have been explored further by Mill's commentators.

Alan Ryan grasps better than most of Mill's commentators that, for Mill, inertia, passivity, and timidity were vices that stultified individuality and put society at risk. Nineteenth-century democracy and the commercial spirit tended to further 'an opinion whose answer to all social and political problems is summed up in the imperative to be like everyone else'.⁹⁵ Mill believed that this was exactly what destroyed society because the conquests of civilisation depended on continual assertions of individuality. On the one hand, Mill attributed China's stagnation to the excessive control of human behaviour which typified it, and, on the other hand, he stated that Europe owed its progress to the many different paths that had been adopted there. The differences between nations and the individuals that made them up had enabled Europe to engage in a multitude of social experiments which had brought about progress. Ryan emphasises the fact that political education required by Mill involved the exercise of individuals' abilities to defend their 'own perception of society and its needs' in the face of competing perceptions. Besides, he recognises that, for Mill, the vote was a means 'to defend our rights and to make our claims felt. But it is also an instrument of control over lives of others; when we vote we necessarily help to bring about the implementation of policies that bind others as much as ourselves'.⁹⁶ Ryan is correct to see voting as including a self-regarding and an other-regarding dimension. However, this in

⁹⁵ A. Ryan, 'Two Concepts of Politics and Democracy: James and John Stuart Mill', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iii. 153.

itself does not provide an adequate assessment of Mill's account of the secret ballot. What is needed is a more judicious analysis of the relationship between the other-regarding and the self-regarding aspects of the secret ballot. Such an analysis will be made in the next section.

1.5. THE SECRET BALLOT AND THE BADGE OF SLAVERY

At face value, the most straightforward way of evaluating Mill's account of the secret ballot is to examine whether or not his premise that the situation in Britain had changed in a way that had rendered secrecy unnecessary, or rather, detrimental to the electoral process was correct. Kinzer follows this strategy. He demonstrates that there exists abundant and compelling evidence to show that no significant changes had occurred in Britain to support Mill's claim in *Thoughts on Parliamentary Reform* that bribery and intimidation were declining. The very re-appearance of the secret ballot as a political question during the 1850s can be attributed to the extent of the corruption and coercion that had occurred during the general election of 1852. In Kinzer's view, Mill failed to realise that:

The eviction of Welsh and Irish tenant farmers, whose religious and political sympathies ran counter to those of their landlords, was not uncommon before the passage of the 1872 Ballot Act. Mill also neglected to mention the difficulties encountered by English shopkeepers, many of whom continued to be subjected to pressure from customers in the fifties and sixties. Finally, he overestimated the

⁹⁶ Ibid., p. 154.

ability of labourers, through the growth of trade unions, to resist effectively the influence of employers. In many instances workers felt they had no alternative but to support the candidate favoured by their employer.⁹⁷

However, this sort of objection to Mill's account, though basically sound, overlooks the fact that Mill's defence of the ballot in his later works undermined the premises of his own liberal-utilitarian discourse and revealed his lack of understanding of the very nature of the act of voting. Mill's main mistake was his failure to realise that if voting is not undertaken in secrecy, the self-regarding dimension of the process tends to be sacrificed in favour of its other-regarding dimension. In fact, it is not possible to separate these two dimensions within the context of the electoral process. This means that Mill considered voting to be merely instrumental, whereby people fulfilled duties towards others, without seeing that it is also a channel by means by which the claims of individuals are promoted. He emphasised the public nature of voting in such a way that it appeared as though the choices at stake bore no relation to what he called the private sphere of conduct. The choosing of a legislature can bring about consequences that can affect many aspects of individual and public life, but which cannot be foreseen at the moment of election. Once it is appreciated that elections have a bearing on private as well as public matters, it may be considered prudent to keep them secret. To do otherwise is to take the risk of forcing individuals to conform to prevailing opinions.⁹⁸ Mill's fear of mass democracy stemmed from the fact that the values shared by the majority might crush the idiosyncratic views of individuals in the minority. But open voting is likely to promote this sort of conformity, erradicating the

⁹⁷ B.L. Kinzer, 'John Stuart Mill and the Secret Ballot', p. 37. In this article Kinzer refers to an abundance of sources underpinning his conviction that intimidation and bribery was not declining.

differences existing between people, since those holding opinions in disagreement with the majority may be intimidated against voting according to their convictions, because these convictions are at odds with widely-shared social norms. Individual choices may not necessarily be grounded in selfish motives, and yet be the target of intolerance because, for example, they may reveal religious convictions or personal inclinations that are not generally welcomed in society. Moreover, why would majorities not tyrannise minorities, given the opportunity provided by an open ballot? If one accepts Mill's premise that majorities have a propensity to impose their way of life on minorities, one will reach the conclusion that there is no occasion on which such an imposition is more likely to occur than an election. This is because an election is the occasion in which decisions made by minorities can affect majorities the most. Secret voting is, therefore, an important means of protecting those voters who are not in agreement with the prevailing values in society.

Mill strove to promote political institutions conducive to social and individual improvement, and saw the creativity and idiosyncratic spirit of minorities as a main source of the energies needed to fuel societal development. The open ballot is at best a risk, and at worst a threat to the very individuality that Mill was intending to promote. Besides, the tendency of the British national character to extoll public opinion was a reason to support the secret ballot, since, if the overwhelming political force of public opinion was reinforced by the adoption of open voting, it might be converted into a despotic influence over voters. In view of this, it is reasonable to suggest that the secret ballot would have been more appropriate for the realisation of his democratic ideals. It is true that the open ballot is

⁹⁸ See D.F. Thompson, *John Stuart Mill and Representative Government*, p. 98.

closer to the Athenian spirit he extolled, but one must remember that self-cultivation was also a very important element of Mill's political philosophy. In advocating open voting, his main objective was to make voting a morally accountable act. However, the conditions in which such voting would take place would merely encourage sinister influence, and thereby undermine the credibility of the electoral process. It is important to stress that Mill's notion of accountability does not lose its centrality because he gives it an inappropriate institutional embodiment. Mill's emphasis on the fact that people must be free to hear what others have to say must then receive an institutional embodiment capable of harmonising the British national character with the need for individuals to cultivate experiments of life. Mill succeeded in showing that self-cultivation and accountability are highly important in serving the ends of both individual and society, but he failed to realise that the open ballot is not the best means to reach this end.

It has been shown above that, from the late 1850s onwards, Mill thought there was no significant threat to voters if they cast their votes openly. It is important to be aware that he saw voting as an instrument of self-defence as well. His support for women's enfranchisement is based on such a conviction. However, as he did not see the problems noted above, he advocated open voting, believing that in so doing, he would promote beneficial political competition. This is clearly a consequence of Mill's propensity to be idealistic. He was over-optimistic when he presumed that working and middle classes were destined to merge in a radical party which would defeat the aristocracy. One can easily imagine that, when sensitive matters are at stake, open voting will affect the way in which people vote. For instance, many of those who support legislation tolerant to homosexuality might vote otherwise, in order to avoid debating the question with a potentially hostile

public. Political campaigns are not always focused on such divisive issues, but it is not possible to predict what will happen as they progress. Besides, issues discussed in Parliament might affect very intimate aspects of the personal lives of individuals. Mill advocated the repeal of the Contagious Diseases Acts before the Royal Commission destined to investigate the administration and the operation of the Contagious Diseases Acts in 1870. These Acts authorised the compulsory medical inspection of prostitutes in order to prevent the spread of sexually transmissible diseases. There is no doubt that the act of subjecting those reputed to be prostitutes to compulsory examination and, if found to be diseased, to incarceration in hospital, had an extensive impact on their personal lives and on the lives of their families. This was the type of issue in which the expression of people's choices might have been improperly affected had they debated it as part of the electoral process.⁹⁹ In an electoral process which relied on the open voting system, and where the debate on compulsory inspections of reputed prostitutes was the central issue, many would vote in a way which was at odds with their real wishes, in order to avoid, for instance, having to explain that they were protecting daughters who were or were likely to be seen as prostitutes.

1.6. CONCLUSION

Mill's democratic theory is a blend of modern and classical motifs. He defended that both participation in the political process and individual self-cultivation should be incentivated. This was vital to prevent the ethical, aesthetic, and mental faculties of individuals from being stultified. Mill's views on the secret ballot addressed both the issue of participation

⁹⁹ See J.S. Mill, *Public and Parliamentary Speeches*, (CW), XXIX, pp. 388-89.

and that of the further implications for individual and social life. His disapproval of the secret ballot in his later works was grounded on the conviction that its secrecy imparted to voters the sense that they had a right to make choices grounded on their private interests rather than a duty to promote the public interest. For him, publicity was necessary to make voters responsible to their fellow citizens, that is to render them accountable. Moreover, he believed that the voting process should be an important vehicle for debating the alternatives for the life of the community, and for making citizens aware of the fact that their choices affected other people's lives. In Britain, accountability was particularly important as a means of socialisation. According to Mill, the British were so lacking in social feeling that to render them responsible to other people was a way of making them care for matters other than themselves and their families.

Most of the misunderstandings over Mill's account of the secret ballot arise from a disregard of the importance that national character had in his theoretical framework. National character was an essential element in his political reasoning, since he believed that institutions could be properly understood only against the background of the influences that shaped the character of the nation in which they operated. The two characteristics of the English national character he emphasised were truthfulness and a propensity to despotism of opinion. He tried to design political institutions which could profit from these characteristics. He defended the open ballot, thinking that he was making use of these characteristics in the best possible way to achieve his purposes. He failed, however, to realise that publicity could be a source of mischievous influence, as well as a security for accountability. His main mistake was not to grasp that, if voting were not secret, the self-

regarding dimension of the process would tend to be sacrificed in favour of its other-regarding dimension. He did not see that the secret vote was, therefore, more appropriate for protecting those voters who were not in agreement with the prevailing values in society, exactly those whose creativity and idiosyncratic spirit was the main source of societal development. Mill once said that concealment is the badge of slavery, but is there not a case for regarding the secret ballot as a passport to freedom?

CHAPTER 2

J.S. MILL, TOCQUEVILLE, AND DEMOCRACY

2.1. INTRODUCTION

In this chapter, it will be argued that, although Tocqueville emphasised tradition and participation in his political thought while Mill emphasised accountability and self-cultivation, both favoured a civic culture that supported liberty and diversity and was focused on a common set of philosophical problems. The central argument is that after the early 1840s Mill incorporated in his thought Tocqueville's idea that, in order for democracy to function properly, the masses should be rendered accountable. Initially, Mill tried to find a power to rival the power of the masses, fearing that their despotic power would suffocate diversity and lead to stagnation. Later, he advocated institutions which would guarantee the presence of educated minorities in government, and thereby create the opposition of ideas that he deemed necessary to counterbalance the power of the majority and to make progress possible. It will also be argued that Mill was not sufficiently clear about how democracy would operate in relation to the new forces of modern industrial society.

In the second section, it will be claimed that between 1835 and 1840 Mill devoted himself to the search for a power in society to rival the power of the masses. It will be shown that Mill, in the essays he wrote between his reviews of the first and the second part of *Democracy in America*, assigned the role of opposing the power of the masses to various institutions, such as the universities and the hereditary leisured calsses. This search for a power to counteract the masses reflected his acceptance of Tocqueville's claim that the despotic propensities of the democratic age would stagnate society by creating an obedient mass sharing the same set of values. This led Mill to shift from one conception of democracy that enshrined the will of majorities to another that attempted to take the will of minorities into account as well. It will also be claimed that Mill's new conception of democracy led to an awareness that the masses as well as the government should be accountable, because, as the major power in society, they could pose a threat to individuality and diversity. It will be made evident that Mill attributed a special role to professional administration and that he opposed sectional representation.

The third section will present an account of the relationship between Mill's and Tocqueville's political theories. While commentators disagree regarding the degree of Tocqueville's influence over Mill, it is widely accepted that the central tenets of *On Liberty* and *Considerations on Representative Government* are deeply related to Tocqueville's main political concerns, especially those displayed in *Democracy in America*. The main disparities and similarities that commentators see between Mill's and Tocqueville's political thought will be described. It will be shown that both Mill and Tocqueville were concerned with questions such as the role of political participation in the improvement of

individuality and society, the problem of the tyranny of the majority, and the relationship between accountability and democracy.

The fourth section will consist in a critical commentary on the accounts of the relationship between Mill's and Tocqueville's political theories presented in the previous section. It will be shown that Mueller fails to appreciate that Tocqueville emphasised the role of customary morality while Mill emphasised the role of electoral institutions in promoting civic culture. Pappé is, therefore, correct to criticise Mueller, in that Mueller fails to realise that Mill owed his appreciation of the influence of national character over institutions to authors other than Tocqueville. However, it will be stressed that Tocqueville was the most important influence on Mill's political thought because he provided Mill with a theoretical framework capable of encompassing the main concerns of both Guizot and Coleridge. Siedentop is thus correct to say that Mill placed Tocquevillian themes at the heart of his political philosophy, for the question of the tyranny of public opinion, featured in *Democracy in America*, exerted an important influence over both *On Liberty* and *Considerations on Representative Government*. It will be argued that Lamberti correctly claims that Mill emphasised the role of rationally-built institutions in preventing the excesses of democracy in contrast to Tocqueville, who emphasised the roles of participation and the cultivation of local loyalties. It will also be argued that Lamberti fails to recognise that Mill's criticism of Tocqueville's explanation of the phenomenon of individualism in modern society is to an extent correct, because Tocqueville did not explain how democracy operated in conjunction with the new forces of modern industrial society. In the end, it is important to stress that Lamberti's account is an illuminating one, because he shows that both Mill and Tocqueville were working out political philosophies which

were destined to favour a civic culture that supported liberty and diversity, and that they shared a common set of central problems.

2.2. THE POWER TO RIVAL THAT OF THE MASSES

Mill's definitive account of his concern with accountability appears in *Considerations on Representative Government*. It is important, nevertheless, to appreciate that Mill's emphasis on the importance of keeping government accountable to the people was also present in his earlier expositions of his concept of representation. In his review of Samuel Bailey's *Rationale of Political Representation* (1835), Mill supported Bailey's conviction that governments must be accountable because they exist to impede those who wield power from oppressing the rest, which would be unlikely to happen if they were left uncontrolled.¹⁰⁰ Mill also agreed with Bailey that, in order to ensure that the interest of the ruling body was attuned to the interest of the people, it was important to give maximum publicity to its proceedings. As he did not think that representatives should be bound to any specific interest in society, Mill argued that strict accountability was essential so that electors could decide who should be rewarded and punished, re-elected and rejected.¹⁰¹ It is important to bear in mind that Mill's opposition to sectional representation was also based on his fear that representatives acting on behalf of group-interests would tend to overlook the consequences of their actions for society as a whole and become unaccountable. That is why 'the only interest which we wish to be consulted is the general interest, and that,

¹⁰⁰ See J.S. Mill, *Rationale of Representation*, (CW), XVIII, p. 19.

¹⁰¹ Mill thought pledges should not be required from the candidates. See J.H. Burns, 'John Stuart Mill and Democracy, 1829-1861', in J.B. Schneewind (ed), *Mill: A Collection of Critical Essays*, (London: Macmillan, 1969), p. 283.

therefore, is the only one which we desire to see represented'.¹⁰² Accountability was, therefore, a central concern in Mill's review of Bailey's work.

In his review of the first part of *Democracy in America* (1835), Mill re-asserted the ideas that he had upheld in *Rationale of Representation*, where true democracy existed only when a qualified governing body acted under the control of the people: 'in no government will the interest of the people be the object, except where the people are able to dismiss their rulers as soon as the devotion of those rulers to the interests of the people becomes questionable'.¹⁰³ Mill agreed with Tocqueville that the despotic propensities of the democratic age would ruin society by creating an obedient mass in which the individuals shared the same set of values. In *Democracy in America*, Tocqueville asserted that in America the majority held powers that far exceeded those it could possess in a monarchy. So, when the majority had 'irrevocably pronounced, everyone becomes silent and friends and enemies alike then seem to hitch themselves together to its wagon'.¹⁰⁴ For Tocqueville, genuine freedom of expression reigned in America, but there was little independence of mind because no one could resist the power of the majority. He thought that the tyranny of democratic republics struck the soul crudely because people were allowed to dissent, but if they dared to do so they would be treated as strangers among us.¹⁰⁵ Tocqueville went so far as to say: 'if America has not yet had great writers, we ought not to seek the reasons for this

¹⁰² J.S. Mill, *Rationale of Representation*, (CW), XVIII, p. 45.

¹⁰³ J.S. Mill, *De Tocqueville on Democracy in America I*, (CW), XVIII, pp. 71-2.

¹⁰⁴ A. de Tocqueville, *Democracy in America*, (Chicago and London: Chicago University Press, 2000), p. 243.

¹⁰⁵ See *ibid.*, p. 244.

elsewhere: no literary genius exists without freedom of mind, and there is no freedom of mind in America'.¹⁰⁶

In reviewing *Democracy in America I*, Mill seemed to be unsure about Tocqueville's description of the tyranny of opinion in America. He asserted: 'but, without pretending ourselves competent to judge whether our author overstates the evils as they exist in America, we can see reasons for thinking that they would exist in a far inferior degree in Europe'.¹⁰⁷ Mill assumed that countries endowed with educational institutions and hereditary leisured classes were immune to such evils.¹⁰⁸ Nevertheless, the degree to which his later works assimilated Tocqueville's conclusions indicates that in his maturity he accepted the overriding power of public opinion as an evil present in Britain just as much as in America. *On Liberty*, for example, was based on the assumption that public opinion ruled the world.¹⁰⁹ This confirms J.M. Robson's claim that 'the contribution of de Tocqueville to [Mill's] thought is in truth unique, for Mill accepted the main conclusions and adopted them into his own system'.¹¹⁰ In the end, Mill praised *Democracy in America I*, saying that it was a book with which 'all who would understand, or who are called upon to exercise influence over their age, are bound to be familiar'.¹¹¹

In the time which intervened between the first review of *Democracy in America* in 1835 and the second in 1840, the idea that it was necessary to have a power in society to rival

¹⁰⁶ Ibid., p. 245.

¹⁰⁷ J.S. Mill, *De Tocqueville on Democracy in America I*, (CW), XVIII, p. 83.

¹⁰⁸ See *ibid.*, pp. 85-6.

¹⁰⁹ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 268.

¹¹⁰ J.M. Robson, *The Improvement of Mankind: The Social and Political Thought of John Stuart Mill*, (Toronto and London: University of Toronto Press and Routledge & Keagan Paul, 1968), p. 107.

¹¹¹ J.S. Mill, *De Tocqueville on Democracy in America I*, (CW), XVIII, p. 57.

that of the masses emerged in Mill's thought. This recognition represented the start of a shift from his orthodox conception of democracy as empowering the will of the majority to a different one that purported to take the will of minorities into account as well. The major works Mill produced in this period show his concern with the tyranny of the majority.

In 1836, Mill published the essay *Civilization*, in which he expressed his concerns over the debilitating influences of the age. He believed that individuality was sinking 'into greater insignificance' because the masses were becoming powerful. This was dangerous because genuine civilisation relied on a combination of efforts, which required a self-control and discipline that individuals were no longer willing to bear. Mill was amongst those who thought that the masses could not be prevented from acquiring power, for 'whatever is the growing power in society will force its way into government, by fair means or foul. The distribution of constitutional power can no longer continue very different from that of real power, without a convulsion'.¹¹² The solution he proposed was to make the masses wiser by creating a power to counteract them. He called on the lettered classes to make efforts to facilitate the publication of first-rate literary works of whatever tendency in point of opinion by obtaining authorisation to publish them as quickly as possible so as to make their influence felt in society.¹¹³ He called for reforms in the universities to make them centres of free inquiry capable of generating highly cultivated minds and opposing the debilitating influences of the age. Mill also advocated a special role for ancient literature, history, and, in the area 'of pure intellect, the highest place will belong to logic and philosophy of mind'. He intended to counteract the dominant tendencies of the age 'by

¹¹² J.S. Mill, *Civilization*, (CW), XVIII, p. 127.

¹¹³ See *ibid.*, p. 138.

establishing counter-tendencies, which may combine with those tendencies and modify them'.¹¹⁴

In 1838 Mill published an essay entitled *Bentham*. This is a wide-ranging account of Bentham's thought. In assessing Bentham's political philosophy, Mill accused Bentham of overlooking the importance of national character in the development of institutions. Mill regarded this as dangerous because questions regarding laws and government 'vary indefinitely, according to the degree and kind of civilisation and cultivation already attained by people, and their peculiar aptitudes for receiving more'.¹¹⁵ Mill believed Bentham was wrong to assume that majorities should control society on the grounds that their interests coincided with that of the community as a whole. Mill grouped Bentham with those European reformers who were accustomed to see numerical majorities unfairly controlled and oppressed by minorities, and who were therefore determined to give them more political power. But, from Mill's perspective, this was to allow the fate of mankind to pass from one form of bad government to another, which he did not believe was necessary.¹¹⁶ Besides, he considered it dangerous to presume that the interests of majorities were the interests of society. In order for society to improve, an organised power was required to oppose that of the majority, and, if one deemed the interests of the majority to be those of society as a whole, then such an organised power would seem unnecessary. For Mill, the majority should be paramount, but society should guarantee permanent security for freedom of thought and individuality of character. This guarantee was vital if minorities were to

¹¹⁴ Ibid., pp.135-6.

¹¹⁵ J.S. Mill, *Bentham*, (CW), X, p. 106.

¹¹⁶ See *ibid.*, p. 107.

make it possible for minorities to organise an opposition to rival the power of the masses, and, by generating a clash of ideas, move society forward:

A centre of resistance, round which all the moral and social elements which the ruling power views with disfavour may cluster themselves, and behind whose bulwarks they may find shelter from attempts of that power to hunt them out of existence, is as necessary where the opinion of the majority is sovereign, as where the ruling power is a hierarchy or an aristocracy. Where no such point d'appui exists, there the human race will inevitably degenerate; and the question, whether the United States, for instance, will in time sink into another China (also a most commercial and industrious nation), resolves itself, to us, into the question, whether such a centre of resistance will gradually evolve itself or not.¹¹⁷

In *Coleridge*, published in 1840, Mill accepted Coleridge's idea that governments could have a positive function in society. Mill believed 'that government ought not to interdict men from publishing their opinions, pursuing their employments, or buying and selling their goods, in whatever place or manner they deem the most advantageous'.¹¹⁸ However, he agreed with Coleridge that government could make efforts, preferably indirectly, to secure means of subsistence to the people. Thus, Mill rejected the laissez-faire doctrine, according to which governments did best when they did nothing. He did not believe that it was the fault of government if every one did not have enough to eat and drink. However, 'a State must be considered as a great benefit to society, or mutual insurance company, for

¹¹⁷ Ibid., p. 108.

¹¹⁸ J.S. Mill, *Coleridge*, (CW), X, p. 157.

helping (under the necessary regulations for preventing abuse)'.¹¹⁹ Mill upheld Coleridge's conviction that government must be composed from the existing forces in society so as to reflect the antagonism between the forces of permanence and those of progress. He regarded this antagonism as important because it created a mutual check between rival positions. However, Mill did not entirely agree with Coleridge's doctrine of half-truths, because he did not believe that half-truths were necessarily parts of the totality that combined them. F.E.L. Priestley correctly states that Mill thought that there was 'no evidence in the history of opinion to support a belief either in the dialectic process, by which thesis and antithesis produced a synthesis, or in half-truths which become supplementary and form a whole'.¹²⁰ Mill praised Coleridge for having vindicated against 'the whole eighteenth century, the principle of an endowed class, for the cultivation of learning, and for diffusing its result among the community'.¹²¹ He also agreed with Coleridge that society needed a national clerisy devoted to the diffusion of culture and learning among the community. This clerisy would, according to Coleridge, comprehend the learned of all denominations, including the sages and professors of all branches of science and liberal arts. Mill and Coleridge thought that this clerisy would help society to avoid stagnation and to improve. The role of the clerisy was educational and comprised the following tasks: to enhance existing knowledge; to diffuse existing knowledge throughout the country; and to safeguard recollections of the country's history in order to bind the present with the past.¹²² The role Mill ascribed to the clerisy in *Coleridge* was the same role that he attributed to the hereditary and leisured classes in *Democracy in America I*, and to

¹¹⁹ Ibid., p. 156.

¹²⁰ Ibid., p. xxix.

¹²¹ Ibid., p. 150.

¹²² See *ibid.*, p. 147.

the university system in *Civilization*, that is, to counteract the predominant tendencies of the age 'by establishing counter-tendencies, which may combine with those tendencies and modify them.' K.C. O'Rourke is correct to assert that the role of the clerisy is to improve people's moral and intellectual excellence:

Thus, the role of the clerisy is, of necessity, a socially active one: it is not a self-perpetuating elite which exists for its own sake. It must, from its very foundation, lead mankind and bring all to the highest possible level of intellectual and moral excellence: its role is, in Coleridge's words, one of 'raising the vulgar to the best'.¹²³

In his second review of *Democracy in America*, which appeared in 1840. Mill praised the methodological achievements of Tocqueville. Mill believed that Tocqueville was the first thinker to treat democracy as something that 'manifests itself by innumerable properties, not by some only; and must be looked at in many aspects before it can be made the subject even of that modest and conjectural judgement'.¹²⁴ Mill and Tocqueville shared the conviction that 'democracy, in the modern world, is inevitable; and that it is on the whole desirable; but desirable only under certain conditions, and those conditions capable, by human care and foresight, of being realised, but capable also of being missed'.¹²⁵ Mill showed that Tocqueville believed that it was necessary to distribute public business as widely as possible among the people in order to prepare them for the exercise of power

¹²³ K.C. O'Rourke, 'John Stuart Mill and Freedom of Expression: The Genesis of a Theory', (London: Ph.D, 1999), p. 104.

¹²⁴ J.S. Mill, *De Tocqueville on Democracy in America II*, (CW), XVIII, pp. 156-7.

¹²⁵ *Ibid.*, p. 158.

over the legislature; it was generally also the only means by which they can be led to desire it.¹²⁶ Mill also agreed with Tocqueville that involvement in the activities of local self-government, administration, and voluntary associations was essential to stimulate common effort and enlighten the citizen. Being involved in such activities, Tocqueville's citizen realised that 'besides the interests which separate him from his fellow-citizens, he has interests which connect him with them; that not only the common weal is his weal, but it partly depends upon his exertions'.¹²⁷ For Tocqueville, American society benefited greatly from the involvement of its citizens in 'the perpetual exercise of the faculties of every man among the people, through the universal practice of submitting all public questions to his judgement'.¹²⁸ Mill feared no less than Tocqueville that national culture would be impoverished by the overwhelming pressure of public opinion for uniformity. However, Mill thought that Tocqueville confused the effects of democracy with those of commercial society. Tocqueville defined democracy as equality between citizens, 'the absence of all aristocracy, whether constituted by political privilege, or by superiority in individual importance and social power'.¹²⁹ For Mill, Tocqueville ascribed to democracy 'several of the effects naturally arising from the mere progress of national prosperity, in the form in which that progress manifests itself in modern times'.¹³⁰ So, for Mill, the main source of the tyranny of the majority was the tendencies of modern commercial society. The unfettered taste for material well-being that marked the commercial spirit led people to concentrate on their money-making pursuits wherever habits of self-government and participation were not rooted. Mill recognised that advances in prosperity, especially if due

¹²⁶ See *ibid.*, p. 168.

¹²⁷ *Ibid.*, p. 169.

¹²⁸ *Ibid.*, p. 170.

¹²⁹ *Ibid.*, p. 159.

to industrial expansion, sometimes generated a middle-class, multiplying the number of people occupying intermediary positions in society. He did not think, however, that the tyranny of the majority could be considered as merely a consequence of the fact that there were more people occupying intermediary positions in society, and that there was no aristocratic power ruling over it. In order to prove this, Mill showed that most of the problems that Tocqueville attributed to democracy in American society also existed in England. Therefore, they could not be attributed to democracy, understood in terms of an equality of condition, because England as an aristocratic society did not recognise the equality of its members.¹³¹ For Mill, the main problem that affected both the American and the English mind was the influence of the middle classes which were dominated by money-getting pursuits. The middle classes were predominant in America and were about to achieve predominance in England. This was problematic because 'whenever any variety of human nature becomes preponderant in a community, it imposes upon all the rest of society its own type; forcing all, either to submit to or to imitate it'.¹³² Mill saw the middle classes as the main vehicle of the commercial spirit. For him, the middle classes were increasingly determining public opinion, even in matters such as literature and art. Hence, it was necessary to have a power to rival that of the middle classes, which would otherwise rule unopposed, causing uniformity and, eventually, stagnation. In relation to the social group that Mill judged best able to oppose the masses, he stated that, 'there can be no doubt about the elements which must compose it: they are, an agricultural class, a leisured class, and a learned class'.¹³³ Mill regarded *Democracy in America II* as the most profound book ever

¹³⁰ Ibid., pp. 191-2.

¹³¹ See *ibid.*, p. 196.

¹³² Ibid.

¹³³ Ibid., p. 198.

written on democracy.¹³⁴ More than that, in reviewing it, Mill placed the concern with the tyranny of public opinion at the heart of his political philosophy. It is worth remembering that Mill's first review claimed that the tyranny of opinion as manifested in America was unlikely to exist in England because there were educational institutions and a leisured class that could counterbalance the influence of the masses. In reviewing *Democracy in America II*, however, Mill now added the agricultural class as one of those elements of society that support views different from those adopted by the middle class opinion. The increasing influence of the middle classes in England led Mill to incorporate Tocqueville's concerns about the threats to individuality and diversity posed by the tyranny of the majority into his political theory. By this time, Mill had come to think that the problem affected Britain as well as America.

Mill's letters written between 1835 and 1840 reflect his interest in Tocqueville's writings. On 15 April 1835 Mill informed J.B. White that he had begun to read *Democracy in America I*. His first impressions were very positive because the book combined generalisations about the history of society with a precise exposition of the peculiarities of America.¹³⁵ In a letter to A. Guilbert on 8 May 1835, Mill said that '*de la démocratie en Amérique*' is 'an admirable book', and asked his correspondent: 'Can you tell me anything of Tocqueville? What is his history? & in what estimation is he held in France?'¹³⁶ In September 1835, Mill sent a letter to Tocqueville expressing his gratitude for Tocqueville's willingness to co-operate with the *London Review*, and informing him that he had nearly finished his review of *Democracy in America I* and that his review would be slightly more

¹³⁴ See *ibid.*, p. 190.

¹³⁵ See J.S. Mill, *Earlier Letters, 1812-1848*, (CW), XII, p. 259.

favourable to democracy than Tocqueville had been.¹³⁷ Some of Mill's other letters to Tocqueville before 1840 enquired about his progress with the second part of *Democracy in America*, and in almost all of them he flattered Tocqueville, either praising his theoretical achievements or encouraging his involvement with British publications. On 11 May 1840, Mill wrote to Tocqueville expressing his gratitude for a copy Tocqueville had given him of the second part of *Democracy in America*. At that stage, Mill had already read the book but deemed it necessary to re-read in order to master it. He asserted: 'although my own thoughts have been accustomed (especially since I read your First Part) to run very much in the same direction, you have so far outrun me that I am lost in the distance, & it will require much thought & study to appropriate your ideas'.¹³⁸ Besides, Mill extolled Tocqueville's achievements, saying that he had changed the face of political philosophy by taking the examination of the causes of the tendencies of modern society 'into a region both of height & of depth, which no one before you had entered' and that 'all previous argumentation and speculation in such matters appears but child's play now'.¹³⁹ After reading *Democracy in America II*, Mill accepted Tocqueville's view that stagnation and immobility were the real dangers to democratic society as a scientifically established truth. For Mill, this was a truth to be defended 'envers et contre tous with tenfold pertinacity'. At the end of the letter, Mill fully expressed his admiration for Tocqueville:

Though I am not a very regular correspondent you may believe me when I say that there is no living man in Europe whom I esteem more highly or of whose friendship

¹³⁶ Ibid., p. 261.

¹³⁷ See *ibid.*, p. 272.

¹³⁸ J.S. Mill, *Earlier Letters, 1812-1848*, (CW), XIII, p. 434.

¹³⁹ Ibid., p. 434.

I should be more proud than I am of yours. Unfortunately I have only one means of showing it, but that I have used freely, for your name somehow finds itself under my pen almost whenever I write.¹⁴⁰

In the period between 1835 and 1840 Mill 'put together the strands of the past with the filaments of the present, and it ended with the assertion of his independent position'.¹⁴¹ In accepting it as an established truth that stagnation and immobility were real dangers in democratic society, Mill became indebted to Tocqueville as the most powerful influence in the re-framing of his thought. As the tyranny of the majority was the source of that stagnation, because it stifled individuality and diversity, and imposed uniformity, it should be prevented in order to allow individuals and communities to improve. In his *Autobiography*, Mill admitted that the reading of *Democracy in America I* initiated his shift from an ideal of democracy in which there was no concern with the tyranny of majority to the modified form of democracy which was later set forth in *Considerations on Representative Government*.¹⁴² According to Mill, *Democracy in America I* caused this shift because it pointed out in a more specific manner than he had ever seen before both the excellences and the dangers of democracy. He and Tocqueville saw democracy as 'an inevitable result of human progress' whose dangers should be mitigated. Mill thought that *Democracy in America I* pointed out the direction that his political theory would follow in the future. However, he stressed that 'the consequent modifications in my practical political creed were spread over many years'.¹⁴³ These modifications occurred mainly because Mill

¹⁴⁰ Ibid., p. 435.

¹⁴¹ J.M. Robson, *The Improvement of Mankind: The Social and Political Thought of John Stuart Mill*, p. 32.

¹⁴² See J.S. Mill, *Autobiography*, (CW), I, p. 199.

¹⁴³ Ibid., p. 201.

changed his strategy for counteracting the tyranny of the majority. In the late eighteenth-thirties and early forties, he aimed to establish in civil society a power to rival that of the masses. From the early fifties on, Mill showed a growing interest in designing institutions to oppose the tyranny of the majority and paid especial attention to institutions related to the voting process. His concern with the mechanics of voting during that period reflected his increasing doubts regarding the people's ability to choose suitable representatives. Mill believed it to be important to organise the voting process in a way that allowed everyone to be equally represented: each minority by a minority, the majority by the majority. This resulted in a problem of accountability, because, if the educated minorities were excluded from government, the popular majority would rule unchecked and impose uniformity. Furthermore, a voting process which excluded the educated part of the population would tend to generate a mediocre leadership.

It is, nevertheless, important to note that, in designing institutions to prevent the absolute control of society by any sort of group, Mill's intention was still to find a power capable of rivalling that of the masses and enabling minorities to be represented in parliament. In other words, though he was searching for a new answer, the problem was basically the same: as it was inevitable that the main force in society would find its way into government, how was it possible to keep such a force accountable, and thus avoid the tyranny of the majority?

It is easy to recognise Tocqueville's influence both in Mill's attempt to find in society a power to rival that of the masses, and in his efforts to facilitate the participation of educated minorities in political institutions. It is important to bear in mind that Mill's notion of

accountability embodied both the attempt to provide guarantees against government misrule, and to promote individual and social improvement.

2.3. SOME PROBLEMS REGARDING MILL AND TOCQUEVILLE

It is important to provide a detailed assessment of Tocqueville's influence on Mill because this thesis assumes that both *On Liberty* and *Considerations on Representative Government* were attempts to answer questions posed by Tocqueville. Thus, the system of democratic self-government that Mill proposed in *Considerations on Representative Government* was complemented by the 'principle of liberty' developed in *On Liberty*.¹⁴⁴ The latter was designed to protect individuals in the pursuit of their own good in their own way; and the former, to provide an institutional framework that guaranteed the possibility of such pursuit. Mill knew that the 'principle of liberty' that he worked out in *On Liberty* in order to promote diversity and original thinking could not be effective if parliament contained only representatives of the majority. The presence of those who upheld standards different from those widely accepted by the masses was vital to the creation of the antagonism of ideas that made progress possible and rendered the majority accountable. Given that Mill adopted Tocqueville's idea that the tyranny of the majority impoverished society, an assessment of Tocqueville's influence on Mill is important in order to provide a clear understanding of the importance of accountability in Mill's theory of democracy. It is, therefore, important to survey the main problems raised by commentators regarding the

¹⁴⁴ See B. Baum, *Re-reading Power and Freedom in John Stuart Mill*, (Toronto: Toronto University Press, 2000), p. 271.

relationship between Mill and Tocqueville, in order to clarify their affinities and differences.

When he published his tribute to Armand Carrel in 1837, Mill stated that a new political philosophy had arisen which was superior to those that already existed. He added that *Democracy in America I* was the highest expression of that new philosophy.¹⁴⁵ Mill never retracted this opinion and, furthermore, he reiterated it in the review of *Democracy in America II*, stating that Tocqueville had established it as a scientific truth that stagnation was the most potent threat to democracy. Despite this, the extent to which Mill was influenced by Tocqueville remains a disputed question. Some commentators think that other authors exerted an influence on Mill that was equal to, if not greater than, that exerted by Tocqueville. Here, Tocqueville is deemed to be the single most important influence on Mill, who, nonetheless, had other long-lasting influences.

I.W. Mueller dedicates a chapter of *John Stuart Mill and French Thought* to analysing the influence of Tocqueville on Mill.¹⁴⁶ According to Mueller, Tocqueville recognised the phenomenon of individualism in modern society. Individualism was a new kind of attitude on the part of the citizens, who pay attention to their family and friends, and willingly left society at large.¹⁴⁷ Mueller points out that Tocqueville feared the strengthening individualism, because it raised barriers between the individuals themselves, who could

¹⁴⁵ See J.S. Mill, *Armand Carrel*, (CW), XX, pp. 169-215. Armand Carrel (1800-1836) was a Republican French journalist who died in a duel on 22 July 1836. Mill considered Carrel to be the prototype of the Philosophic Radical: a man of action and a defender of both democracy and liberty, a combination which was not common in France at that time.

¹⁴⁶ See I.W. Mueller, *John Stuart Mill and French Thought*, (Urbana: University of Illinois Press, 1956), pp. 134-69.

¹⁴⁷ See *ibid.*, p. 141.

easily become victims of despotism when thus isolated from their fellow-citizens. For Mueller, the solutions Tocqueville presented to the problem raised by individualism were basically the same as those prescribed by Mill. According to Mueller, Tocqueville advocated 'free institutions, particularly on the local level, to foster the active and voluntary participation of the individual in the life of community'.¹⁴⁸ But Mueller adds that Mill accepted Tocqueville's idea that it was necessary to encourage people's participation in institutions that united them with their fellow-citizens in common pursuits and contributed to making the government under which they lived accountable for its acts. Mueller also believes that Mill owed to Tocqueville the idea that talent was important to democratic government; the conviction that political despotism occurred when the masses were the sole source of authority in society; the notion that the majority was likely to misuse its powers by wronging its adversaries; and the conception that local institutions were essential to further civic education.¹⁴⁹ Mueller thinks that Mill 'was never to forget de Tocqueville's warning that democracy alone could not guarantee the most important freedom of the individual, the freedom to develop and strengthen his best inner potentialities'.¹⁵⁰ For Mueller, this is the sort of freedom that Mill intended to promote in *On Liberty* (1859). In addition, Mueller shows that in *Recent Writers on Reform* (1859) Mill expressed the view that, where a considerable degree of institutional improvement had not yet been achieved, reforms could not be made without the support of traditional sentiment.¹⁵¹ This seems to accord with Tocqueville's idea that mores were essential to the promotion of liberty.

¹⁴⁸ Ibid.

¹⁴⁹ See *ibid.*, pp. 145, 162, 155, 158-9.

¹⁵⁰ Ibid., p. 169.

¹⁵¹ See *ibid.*, p. 186.

Overall, Mueller assumes that Mill owed all the relevant achievements of his political philosophy to Tocqueville.

In H.O. Pappé's view, the influence of Tocqueville on Mill was less than Mueller suggests. For Pappé, 'there was clearly a give-and-take between Mill and Tocqueville in their application of the long tradition of democratic theory'.¹⁵² Thus, both Mill and Tocqueville owed their commitment to educating the majority and to securing expertise in government to the democratic tradition, rather than Mill being indebted specifically to Tocqueville for it. Pappé pointed out that Mill never gave up his belief in education as a prerequisite of democracy, although later 'in his reaction to his father's thought, Mill grew more sceptical as regards the teachability of the masses'.¹⁵³ Mill, then, came to reject James Mill's view that the middle classes would guide the lower ranks of society in a common political agenda. According to Pappé, therefore, it is incorrect to assume that Tocqueville made Mill aware of the importance of intellectual excellence both in government and society. Besides, Pappé argues, Mill disagreed with Tocqueville about the source of the tyranny of the majority, and never acknowledged Tocqueville as the person who made him aware of the threats to diversity and individuality in modern society. Pappé also points out that the criticism Mill levelled at Bentham for assuming 'the uniformity of man in all times and places' in *Remarks on Bentham's Philosophy* (1833) showed that Mill recognised the importance of national character for the design of democratic institutions before coming under the influence of Tocqueville, and so Mueller is wrong to say that Tocqueville made

¹⁵² H.O. Pappé, 'Mill and Tocqueville', *Journal of History of Ideas*, 24 (1964), p. 127.

¹⁵³ *Ibid.*, pp. 127-28.

Mill aware of this.¹⁵⁴ In summary, Pappé thinks that Mueller does not take into account the influence of other authors over Mill's thought, and mistakenly assumes that every similarity between Mill and Tocqueville was a result of Tocqueville's influence on Mill. G.E. Varouxakis agrees with the criticism that Pappé levells against Mueller. For Varouxakis, Guizot's view that European civilisation had not perished because a struggle between opposing forces kept it progressing, was a significant influence on Mill despite being largely neglected in Mueller's account. Varouxakis describes the importance of both Guizot and Tocqueville for Mill's political thought:

What happened, meanwhile, was that [Mill] had read the works of Guizot and Tocqueville. The former warned him in general and rather vaguely - but not the less decisively for this reason - that the continuous struggle between different forces and principles, and diversity of modes of life and thought as well as multiplicity of centres of power and influence, were indispensable to the preservation of Europe's progressive civilisation and to its improvement. It was against this background that Tocqueville came almost simultaneously to warn him of the characteristic defects of the uncontrolled ascendancy of popular power.¹⁵⁵

Siedentop criticises the way Mill developed the theoretical achievements of French liberalism. According to Siedentop, in his youth Mill upheld a sort of liberalism that paid

¹⁵⁴ See *ibid.*, p.138.

¹⁵⁵ G.E. Varouxakis, 'John Stuart Mill on French Thought, Politics, and National Character', (London: Ph.D, 1995), p. 41.

no attention to the ways in which social organisations shape people's mentality.¹⁵⁶ Siedentop acknowledge that, after becoming acquainted with the French liberals, Mill introduced into his political theory, and especially in *On Liberty* and *Considerations on Representative Government*, 'themes from Tocqueville - the danger of centralisation, threats to local liberty and variety, the moralising role of politics'.¹⁵⁷ For Siedentop, Mill adopted some of the conclusions of Tocqueville and other French liberals, but without adopting their underlying sociological method: 'what Mill has done is introduce some of the conclusions of the French liberals, without introducing their premises - the theory of social change on which they founded their political arguments'.¹⁵⁸ In the end, Siedentop believes that Mill's allegiance 'to the less historical model' of British liberalism left him unable to address questions such as self-development and free 'moeurs' because they emerged from particular social changes that Mill's method could neither detect nor explain.

J.C. Lamberti believes that, despite belonging to different traditions, Mill's and Tocqueville's political thought were complementary.¹⁵⁹ According to Lamberti, Mill thought that *Democracy in America* was 'the first instance of application of a truly scientific method to politics despite the fact that, therein, Tocqueville presented an aristocratic idealisation of the English constitutional government'.¹⁶⁰ Mill avoided dwelling on this minor criticism because he felt that, apart from a few ideas still tainted by an overly

¹⁵⁶ See L. Siedentop, 'Two Liberal Traditions', in A. Ryan (ed), *The Idea of Freedom: Essays in Honour of Isaiah Berlin*, (Oxford: Oxford University Press, 1979), pp. 172-3.

¹⁵⁷ *Ibid.*, p. 173.

¹⁵⁸ *Ibid.*

¹⁵⁹ See J.C. Lamberti, *Tocqueville and the Two Democracies*, (Cambridge: Harvard University Press, 1989), p. 188.

¹⁶⁰ See *ibid.*, p. 110.

aristocratic view, Tocqueville's conclusions leaned towards radicalism.¹⁶¹ According to Lamberti, Mill and Tocqueville believed that, by granting rights to all citizens, democracy instilled a spirit of enterprise and responsibility. It was important to strengthen society by mobilising 'the energies of all and not allowing men to remain isolated from one another'.¹⁶² If men were united, they were less likely to become victims of despotism. Lamberti also shows that Mill and Tocqueville believed that the fact that the American Constitution gave wide powers to judges was not dangerous to society. They saw no risk in judges basing 'their decisions on the Constitution rather than on law', and in not enforcing any law that they deemed unconstitutional. Both Mill and Tocqueville regarded the judiciary as a counterweight to the otherwise incontrovertible power of the people.¹⁶³ They would not, therefore, be prepared to vest such wide powers in judges in societies where there was no such otherwise incontrovertible power to oppose them. In Lamberti's view, Mill and Tocqueville favoured representative democracy because their main concern was not to make people govern in a particular way, but to find 'ways to make the people choose those most capable of governing, and then to give them enough power to direct affairs in their broad outline but not in detail and not as to means of execution'.¹⁶⁴ But Lamberti also recognises differences between the two authors. He points out that Mill was far less enthusiastic about the applicability of the model of the New England township in England than Tocqueville. For Lamberti, Mill and Tocqueville saw local government as the primary source of political education, but Mill placed a higher value on elections than on direct participation. The reason for this was a simple one: Mill rated the role of rationally-built

¹⁶¹ See *ibid.*, p. 110.

¹⁶² *Ibid.*

¹⁶³ See *ibid.*, p. 92.

¹⁶⁴ *Ibid.*, p. 106.

institutions, such as electoral ones, higher than the role of local traditions in the implementation of democracy in society. Lamberti asserts that Mill advocated a rational democracy in which citizens controlled their rulers but did not participate directly in government. The implication was that people were able to judge policies, but were not fit for the business of making them. Lamberti adds that Mill knew Tocqueville's conception of political education remarkably well, but nonetheless did not accept that political life had a value in itself.¹⁶⁵ For Lamberti, Tocqueville saw political freedom as the most important way of combating the evils of democracy, while Mill ascribed the task of preventing the evils of democracy to a vigorous agricultural along with a leisured class.¹⁶⁶ According to Lamberti, Tocqueville thought that a democratic society requires not only free institutions but also a certain level of education and tradition of liberty in order to balance private and public interest. The role Tocqueville ascribed to 'towns and associations was to teach individuals anew that they were indeed citizens, as well as to understand that private interests and public interests are inextricably intertwined'.¹⁶⁷ Lamberti does not accept Mill's claim that Tocqueville confused the 'trend towards greater equality with other tendencies of modern commercial society'.¹⁶⁸ For Lamberti, Mill's suggestion that Tocqueville understood equality of condition as something that was different and dissociated from the effects of growing prosperity was wrong. In Lamberti's account, Tocqueville saw them as deeply connected, because equality of condition was a presupposition of individualism which emerged initially as a form of corruption of aristocratic society, and later turned out to be a 'childhood disorder' of the democratic

¹⁶⁵ See *ibid.*, pp. 102-3.

¹⁶⁶ See J.C. Lamberti, *Tocqueville and the Two Democracies*, p. 188.

¹⁶⁷ *Ibid.*, p. 174.

¹⁶⁸ *Ibid.*, p. 183.

experiences of modern industrial society. Lamberti believes Tocqueville was aware of the fact that 'the allure of wealth, heightened by the progress of industry, always threatens to dissuade individuals from devoting their time and energy to their responsibilities as citizens'.¹⁶⁹ Lamberti admits that Tocqueville did not fully clarify the relative importance of the various causes of individualism, but claims that he prescribed political freedom as the remedy for all of them. For Lamberti, the concept of individualism which Tocqueville defended is more complex than the one Mill attributed to him because it combined concerns about the consequences of the withering of intermediary bodies in society, the end of the aristocracy, and the growth of commercial and industrial prosperity. If this is correct, one should then ask why Tocqueville did not object when Mill said that Tocqueville ascribed to democracy effects that he should have ascribed to the emergence of commercial society. Lamberti admits that Tocqueville never answered this question. He also notes that Mill mentioned, as a counter-example to Tocqueville's account, the fact that the social effects that Tocqueville ascribed to democracy in *Democracy in America II* were operating in England, although the latter was an aristocratic society. Lamberti thinks Mill's counter-example is unfortunate, in that the fact that England had the good fortune to have the effects of democracy mingled with the heritage of aristocracy without destroying it did not prove that Tocqueville's account was incorrect in relation to the specific circumstances of American society. According to Lamberti, Mill failed to realise that Tocqueville's sociological model was an instrument of comparative analysis, 'capable of revealing the way in which tendencies associated with one type of society can reinforce or oppose tendencies associated with another type of society'.¹⁷⁰ It could be used, for example, as the

¹⁶⁹ Ibid., p. 187.

¹⁷⁰ Ibid., p. 36.

basis for an investigation into why the English middle classes combined democratic and aristocratic tendencies, while in France the middle classes rejected such a combination.¹⁷¹ According to Lamberti, Mill interpreted Tocqueville's method of social analysis as if it 'were a blueprint for historical development, which as Mill understands it tends in one direction only, towards greater equality and civilisation, where "greater" is taken in almost a quantitative sense'.¹⁷² Lamberti regards this as misconceived because Tocqueville did not see advances in society as a product of a linear evolution, but rather as a result of the exercise of political freedom.¹⁷³ Mill and Tocqueville had different convictions about the ability of democratic governments to run the administration of society, although both were sceptical of the people's ability to adequately choose their own representatives.¹⁷⁴ For Tocqueville, democratic governments were not suitable for European countries because they tended to be unstable and to spend excessively. Besides, he thought that the institutions of democracy tended to 'aggravate certain inevitable defects of the democratic social state, particularly envy, with the result that the ablest people either shun or are excluded from public office'.¹⁷⁵ According to Lamberti, Tocqueville portrayed Americans as a chosen people 'able to tolerate democracy only because of their exceptional qualities of enlightenment, mores, and political education'.¹⁷⁶ This did not mean that Tocqueville regarded the institutions adopted in America as the only ones or the best ones that a democracy could adopt.¹⁷⁷ His social analysis allowed for comparisons which could help in the assessment of democratic institutions from elsewhere, but it was necessary 'to

¹⁷¹ See *ibid.*

¹⁷² *Ibid.*

¹⁷³ See *ibid.*, p. 167.

¹⁷⁴ See *ibid.*, p. 107.

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*, p. 108.

¹⁷⁷ See *ibid.*, p. 107.

distinguish between what was specific to American government and what was characteristic of democracy in general'.¹⁷⁸ Tocqueville did not present the institutions of America as a model to be indiscriminately adopted by other countries that had different mores and political institutions. Lamberti sees Tocqueville's failure to point out that the greatest threat to liberty in France came from the government, whereas in America it came from society, as the main deficiency of his account of American democracy.¹⁷⁹ Tocqueville praised highly Mill's reviews of *Democracy in America*, regarding him as the only person who had fully understood his work.¹⁸⁰ Mill owed his awareness of the risks of centralisation to Tocqueville, and certainly both authors disagreed with Guizot's view that centralisation had brought more prosperity and grandeur to France than local institutions could have offered had they been in place.¹⁸¹

This exposition of the various accounts of the relationship between Mill's and Tocqueville's political theory has shown that there is general agreement that the central tenets of *On Liberty* and *Considerations on Representative Government* are closely related to the main political concerns of Tocqueville, especially those displayed in *Democracy in America*. There is no agreement about the degree of influence Tocqueville exerted on Mill, but no commentator denies the existence of such influence. An analysis of these accounts, in order to achieve a proper assessment of the relationship between Mill and Tocqueville, will be undertaken in the next section.

¹⁷⁸ Ibid.

¹⁷⁹ See *ibid.*, p. 10.

¹⁸⁰ See *ibid.*, p. 35.

¹⁸¹ See *ibid.*

2.4. MILL, TOCQUEVILLE, AND DEMOCRACY

Mueller correctly affirms that Tocqueville made a great contribution to Mill's thought by showing him that local institutions were vital to the promotion of civic education, that majorities tended to misuse their powers, and that democracy was not a sufficient guarantee of freedom because of its tendency to make the masses the single power in society. However, in relation to customary morality, Mueller fails to see that Mill attached less importance than Tocqueville to the support of traditional sentiments in the formation of political institutions. Mill did not want such sentiments to be disregarded, but he ascribed a more important role to rationally-built institutions in preventing the excesses of democracy. Tocqueville pointed out the fact that there were habits and practices that were essential to promote civic culture, in that they united people for common purposes and moulded the social relations. For Tocqueville, the habit of voluntary association, for example, was an important force operating at local level. In the township, the original political unit of America, voluntary associations cemented existing loyalties between people and thus facilitated their involvement in public matters. He thought that religious beliefs were similarly instrumental in strengthening the bonds of attachment between people, and thereby making them more united. For Tocqueville, it was 'religion that leads to enlightenment; it is the observance of divine laws that guides man to freedom'.¹⁸² Moreover, he regarded enduring religious beliefs as safeguards against the wavering tides of public opinion, which were likely to produce anarchy and inconstancy. Such enduring beliefs and sentiments were the main security against the excesses of democracy. Mill accepted that some of these mores were important, but in his mature thought he emphasised

the need to create political institutions, rather than to reinforce social habits for the purpose of ensuring liberty. He devoted especial attention to the electoral process. Among the participatory institutions that Mill prescribed, the electoral were those he praised the most. His concern with the electoral process permeated *Thoughts on Parliamentary Reform*, *Considerations on Representative Government*, as well as his activities as an MP. Certainly, if Mill had ascribed the same importance to customary morality as Tocqueville did, he would have gone further in recommending them. The root of the problem of Mueller's account is that he does not recognise the primacy of electoral institutions in Mill's theory of participation. But this is not something peculiar to Mueller. D.H. Thompson, for example, argues that Mill's participatory theory offered little guidance for participation in juries, local government, voluntary, groups and trade unions.¹⁸³ Thompson fails to realise, however, that Mill believed that by giving individuals a freedom to live their lives in their own way, and by implementing a political framework that favoured engaged reasoning and accountability, the habit of participation in the political system, especially in elections, would tend to spread to other participatory institutions of smaller scope.

Pappé is correct to criticise Mueller's failure to see that the need for expertise in government was not something that Mill specifically owed to Tocqueville, but something that both Mill and Tocqueville owed to early nineteenth-century thinkers. Madame de Stael, Benjamin Constant, and the so-called *doctrinaires* - Royer-Collard, Barante and Guizot - were amongst those who helped to make Mill aware of the importance of expertise in

¹⁸² A. de Tocqueville, *Democracy in America*, p. 42.

¹⁸³ See D.F. Thompson, *John Stuart Mill and Representative Government*, (Princeton: Princeton University Press, 1976), p. 179. For a different view see J.T. Paderson, 'On the Educational Function of Political Participation: a Comparative Analysis of John Stuart Mill's Theory and Contemporary Survey Research

government and showed him the need to apply a historical method to the study of society. Guizot, for example, argued that political issues should be taken care of by the so called capacities, that is the bourgeois elite, while people were gradually educated to achieve standards compatible with the responsibility that citizenship implied.¹⁸⁴ Nor should it be forgotten that concern with expertise in government was not alien to the utilitarian tradition.¹⁸⁵ Pappé is also correct in saying that Mill's criticism, in *Remarks on Bentham's Philosophy* (1833), of Bentham's allegiance to the abstract model of the eighteenth-century showed that Mill recognised the importance of national character to the design of institutions before he had come under the influence of Tocqueville. In this respect it is important to stress that Mill thought that Coleridge was amongst the influences that had led him to realise that 'political institutions are relative, not absolute, and that different stages of human progress not only will have, but ought to have, different institutions'.¹⁸⁶ While Mill's criticism of Bentham for his lack of consideration for the importance of national character shows that Pappé is correct in criticising Mueller's failure to do justice to the influence of other authors on Mill, this is not to deny that Tocqueville's influence was strong.¹⁸⁷ Mill himself evidently regarded Tocqueville as the most important influence for his future intellectual development because none of the other authors provided a sociological model for a comparative analysis grounded on a detailed account of the evolution of democratic institutions in France and America. This was an essential

Findings', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iii. 223-24.

¹⁸⁴ See J.G. Merquior, *O Liberalismo Antigo e Moderno*, (Rio de Janeiro: Nova Fronteira, 1991), pp. 86-7; A. Oldfield, *Citizenship and Community: Civic Republicanism and the Modern World*, (London: Routledge, 1990), p. 174; L. Siedentop, 'Two Liberal Traditions', pp. 156, 165, 172-3.

¹⁸⁵ See F. Rosen, *Jeremy Bentham and Representative Democracy*, (Oxford: Clarendon Press, 1983), pp. 195-99.

¹⁸⁶ J.S. Mill, *Autobiography*, (CW), I, p. 169. See also K.C. O'Rourke, 'John Stuart Mill and Freedom of Expression: The Genesis of a Theory', p. 102.

theoretical acquisition for Mill, because it permitted him to re-articulate his political philosophy by combining the longing for institutional reform that he had imbibed from his utilitarian upbringing with the other insights he had received through the late 1830s, especially from Guizot and Coleridge. The main contribution of the former was to show Mill that the persistent struggle between different ways of life and thought, as well as a multiplicity of influences - Germanic, Roman, and Christian - were vital to maintain European improvement.¹⁸⁸ The main contribution of the latter was to convince Mill that in order for intellectual progress to be possible, those less endowed intellectually should be guided by those of higher moral and intellectual standing. Moreover, for Coleridge, this process of intellectual improvement required active self-cultivation and an environment in which varied experiences could occur.¹⁸⁹

Tocqueville forewarned Mill that, if unchecked, the ascendancy of democracy would bring about a society in which authority and tradition were not accepted as guides for the actions of the individuals.¹⁹⁰ Tocqueville thought that centralisation and the atomisation of social life were processes intrinsically connected to the spreading of democracy. He believed that these processes left individuals isolated before the central power, since they led to the withering of intermediary bodies which would otherwise enable them to resist the central power.¹⁹¹ Mill knew that, deprived of the bonds that tied them to members of society other than their families, individuals were prone to follow the majority, because, being isolated they were unable to oppose prevailing trends. Thus, where democratic tendencies were not

¹⁸⁷ See J.S. Mill, *Remarks on Bentham's Philosophy*, (CW), X, pp. 9, 16-7.

¹⁸⁸ See J.S. Mill, *Essays on French History and Historians*, (CW), XX, pp. 229, 270.

¹⁸⁹ See C. Turk, *Coleridge and Mill: A Study of Influence*, (Adershot: Averbury, 1988), pp. 188-9, 194-5.

checked, neither the struggle between opposing forces prescribed by Guizot's theory of history, nor the self-cultivation prescribed by Coleridge, was likely to take place since both processes presupposed diversity. Mill found Tocqueville's historic-sociological method helpful because it showed how mores, laws, and institutions could help to mitigate the risks of democratic ascendancy. Tocqueville's method did not provide a blueprint for history, but it made intelligible the combination of causes that were eliminating the intermediary bodies of society and threatening individuality and diversity. Tocqueville's comparative descriptions of the institutions of democratic societies were thus useful in showing how to combine mores and political institutions so as to make individual and social improvement possible. Overall, Mill saw in Tocqueville's sociology a theoretical framework that encompassed the main concerns of both Guizot and Coleridge and, in addition, provided a rich institutional analysis that enhanced Mill's understanding of democracy by making him aware of the need to multiply the centres of power and further local freedoms in order to set up safeguards against the tyranny of the majority.

Siedentop correctly asserts that Mill introduced Tocquevillian themes, such as the threats to local liberty and variety and the moralising role of politics, in *On Liberty* and *Considerations on Representative Government*. These themes are generally associated with a conception of liberty that differed from that traditionally upheld by utilitarians, for whom the main obstacle to general happiness was aristocratic privilege.¹⁹² It is easy to recognise that Tocqueville's fear of the tyranny of the majority reverberated in *On Liberty*, where it

¹⁹⁰ See J.S. Schapiro, 'Alexis de Tocqueville, Pioneer of Democratic Liberalism in France', *Political Science Quarterly*, 4 (1942), p. 545.

¹⁹¹ See A. de Tocqueville, *Democracy in America*, p. 485.

was included among the evils against which society requires to be on its guard.¹⁹³ In *On Liberty*, Mill argued the idea that tyranny was not restricted to acts of government, because society also practices tyranny against its members, leaving them with ‘fewer means to escape, penetrating much more deeply into the details of life, and enslaving the soul itself’.¹⁹⁴ For him, public opinion was the prevailing force in society and represented the instincts and tendencies of the masses.¹⁹⁵ Public opinion, therefore, was the main agency of the tyranny of the majority and was becoming increasingly powerful because the institutions that could provide support for those who disagreed with the predominant values were being destroyed by the influences of the age.¹⁹⁶ The main object of *On Liberty* was to protect individuality against ‘the tyranny of the prevailing opinion and feeling’, the ‘tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways’.¹⁹⁷ This echoed Tocqueville’s concern, expressed in *Democracy in America*, that the threat to minorities came primarily not from laws or public officials, but from religious, political and racial antipathies, and from the dispensing power of all laws. As an example of where this occurred, Tocqueville noted that in ‘the states where slavery was abolished, the Negro has been given electoral rights; but if he presents himself to vote, he runs a risk to his life. Oppressed, he can complain, but he finds only whites among his judges’.¹⁹⁸ He

¹⁹² See T.H. Qualter, ‘John Stuart Mill, Disciple of Tocqueville’, *Western Political Quarterly*, 4 (1960), p. 881.

¹⁹³ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 219.

¹⁹⁴ *Ibid.*, p. 220.

¹⁹⁵ See *ibid.*, p. 268.

¹⁹⁶ See *ibid.*, p. 275.

¹⁹⁷ *Ibid.*, p. 220.

¹⁹⁸ A. de Tocqueville, *Democracy in America*, p. 329.

did not regard this as an isolated case, but as an example of an increasingly common situation.

That the tyranny of public opinion resulted in mediocrity was another theme present in both *Democracy in America* and *On Liberty*. In *Democracy in America*, Tocqueville stated that the despotism of public opinion produced ‘a crowd of like and equal men who revolve on themselves without repose, procuring the small and vulgar pleasures with which they fill their souls. Each of them, withdrawn and apart, is like a stranger to the destiny of all the others’.¹⁹⁹ In *On Liberty*, Mill asserted that those whose opinions went by the name of public opinion were sometimes a different sort of people. In Britain they were principally the middle classes, and in America the white population, but ‘they are always a mass, that is to say, a collective mediocrity’.²⁰⁰ The masses were so overwhelmingly powerful that governments tended to become organs of their wishes. They would rise above mediocrity only if they let themselves be guided by a highly gifted minority.²⁰¹ Mill was not arguing that the highly gifted minority should seize power and impose its will. Rather, he thought the best thing that average men could do was to pay attention to those exceptional individuals who were courageous enough to act differently from the masses.²⁰² Mill believed that, in order to oppose such a strong tendency to similarity among mankind, ‘nonconformity, the mere refusal to bend the knee to custom, is itself a service. Precisely because the tyranny of opinion is such as to make eccentricity a reproach, it is desirable, in

¹⁹⁹ Ibid., p. 663.

²⁰⁰ J.S. Mill, *On Liberty*, (CW), XVIII, p. 268.

²⁰¹ See *ibid.*, p. 269.

²⁰² See *ibid.*

order to break through that tyranny, that people should be eccentric'.²⁰³ Mill expressed his conviction that Europe was 'advancing towards the Chinese ideal of making all people alike'.²⁰⁴ He mentioned the fact that, in *The Old Regime and the Revolution*, Tocqueville had observed 'how much more the Frenchmen of the present day resembled one another, than did those even of the last generation'.²⁰⁵ Mill believed that in the past people had lived in different ranks, while in his time people 'read the same things, listen to the same things, see the same things, go to the same places, have their hopes and fears directed to the same objects'.²⁰⁶ In *Considerations on Representative Government*, Mill showed real concern with the way that the representative system was then operating. He argued that it was important to give a fair representation to educated minorities in order to prevent the majority from controlling society and imposing uniformity.²⁰⁷ If minorities were properly represented, they would generate a centre of resistance which would challenge prevailing opinions and create the competition between ideas that was the basis for individual and societal improvement. Mill also hoped to avoid the emergence of mediocre leadership, thinking that the 'deficiency in high mental qualifications, is one to which it is generally supposed that popular government is liable in a greater degree than any other'.²⁰⁸

In order to raise the standard of the leadership, Mill suggested, in *Considerations on Representative Government*, that the political system should be framed in such a way that inferior minds were brought into contact with superior minds. The superior minds would inspire the inferior through their more enlarged understanding, while at the same time, the

²⁰³ Ibid.

²⁰⁴ Ibid., p. 274.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

former would benefit from the local knowledge of the latter.²⁰⁹ This recommendation was made in the context of giving guidance for the composition of local bodies, but its applicability to national government should not be overlooked. Mill wanted educated minorities in parliament so that they could perform an educational role. This dovetailed with the idea expressed in *On Liberty* that, in order to raise the masses above mediocrity, a gifted minority should lead them. In the end, both *On Liberty* and *Considerations on Representative Government* were responses to Tocqueville's fear of the threat that a mass society dominated by an unfettered taste for material well-being necessarily posed to individuality and diversity. The main danger was that individuals, concentrating on their own affairs and those of their families, would leave the administration of society in the hands of a monolithic and centralised power on which they depended for everything.²¹⁰ This sort of power would tend to acquire the means to interfere arbitrarily in the lives of individuals, since their control over the affairs of society would establish bonds of dependence which would be difficult to break. In such circumstances, the more that people were devoted to their own affairs, the more the bonds of dependence would be strengthened. In *Democracy in America* and *On Liberty*, as well as in *Considerations on Representative Government*, political education and involvement in local institutions were vital components of the well-being of society.²¹¹ What has been said so far is enough to show that Siedentop's claim that Mill introduced Tocquevillian themes in both *On Liberty*

²⁰⁷ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 452.

²⁰⁸ Ibid., p. 436.

²⁰⁹ See ibid., p. 539.

²¹⁰ See W. Pope, *Alexis de Tocqueville: His Social and Political Theory*, (Beverly Hills: Sage Publication, 1986), pp. 139-40.

²¹¹ See A.S. Kahan, *Aristocratic Liberalism: The Social and Political Thought of Jacob Burckhardt, John Stuart Mill and Alexis de Tocqueville*, (Oxford and New York: Oxford University Press, 1992), p. 131. See also J.S. Mill, *On Liberty*, (CW), XVIII, pp. 63, 305-6, 309, 310; *Considerations on Representative*

and *Considerations on Representative Government* is correct. More than that, such themes were at the very heart of Mill's political philosophy.

According to Siedentop, Mill's political philosophy is puzzling because he incorporated some of the conclusions of French liberalism without adopting the theory of social change that underpinned them.²¹² For Siedentop, Mill's political philosophy thus lacks a theory of historical change that might have made it coherent and intelligible. There is no doubt that one would have expected Mill to have said more about social change, because in Mill's own view the possibility of evaluating historical institutions depended on identifying the links between a given stage in society and the one that succeeded it. For him, every age provided the standard by which to interpret the coming age. In 'The Spirit of the Age I', published in the *Examiner* on 9 January 1831, Mill asserted that, 'it is only in the present that we can know the future; it is only through the present that it is in our power to influence that which is to come'.²¹³ Besides, Mill explicitly admitted that, in order to be properly grounded, 'any general theory or philosophy of politics supposes a previous theory of human progress, and that this is the same thing with a philosophy of history'.²¹⁴ For him, however, the identification of such links was not sufficient to provide grounds to evaluate the progress of society. This was because such an evaluation demanded a wider theoretical framework that connected generalisations about history with generalisations about human nature.²¹⁵ Mill's project of a science of ethology, with the purpose of showing how the development of human character was modified by historical tendencies, was part of his

Government, (CW), XIX, pp. 535, 537, 538, 539 and A. de Tocqueville, *Democracy in America*, pp. 56-64, 66-75, 487.

²¹² See L. Siedentop, 'Two Liberal Traditions', p. 173.

²¹³ J.S. Mill, *Newspaper Writings December 1822 -July 1831*, (CW), XXII, p. 229.

attempt to identify the relationship between the various stages of history and the development of the mental faculties of people.²¹⁶ The identification of this relationship would provide grounds for the identification of ‘the institutions most appropriate to carry each particular society to the next stage of progress of which it was susceptible’.²¹⁷ Mill abandoned his project of an ethology, a science dedicated to discover the laws of human character, ‘explaining how it comes to be and how it varies from time to time and from place to place’.²¹⁸ However, aware that his political theory needed a theory of history in order to render it coherent and meaningful, Mill assumed a conception of historical change that, although insufficient to underpin his political theory, provided him with appropriate tools for institutional analysis. Mill saw history moving towards an equalisation of taste and opinion. because the differences ‘among individuals in various classes, occupations, and regions are gradually disappearing, as people read the same publications, attend similar schools, and exercise the same political rights’.²¹⁹ He believed that this increasing standardisation of taste and opinion favoured the power of the masses, and precluded deference to any sort of authority other than the authority of the majority.²²⁰ It has already been said that Mill opposed such a standardisation because it stifled the diversity that was essential to allow individuals both to choose the best way of improving themselves and to produce the conflicting points of view that improved society. So, for Mill, in societies where the influence of the the majority was unopposed, the prerequisites for improvement did not exist. Mill did not ascribe the historical propensity towards the equalisation of taste

²¹⁴ J.S. Mill. *Autobiography*, (CW), I, p. 169.

²¹⁵ See J.S. Mill, *A System of Logic*, (CW), VIII, pp. 911-17.

²¹⁶ See A. Ryan. *The Philosophy of John Stuart Mill*, (London: Macmillan Press, 1987), pp. 156-7.

²¹⁷ G.E. Varouxakis, ‘John Stuart Mill On French Thought, Politics, and National Character’, p. 290.

²¹⁸ W. Stafford. *John Stuart Mill*, (London: Macmillan, 1998), p. 63.

²¹⁹ D. F. Thompson, *John Stuart Mill and Representative Government*, p. 158.

and opinion to any single factor, but thought that it was an overall tendency of modern commercial society. Mill's efforts to strengthen the role of educated minorities in political institutions was designed 'to counteract the levelling of intelligence and growth of conformity in society'.²²¹ His insistence on promoting competence by adopting Hare's system of proportional representation in *Considerations on Representative Government* can be properly appreciated only if one understands Mill's conception of history. Mill advocated Hare's system on the grounds that its implementation would provide a fair representation for minorities who dissented from the patterns adopted by the increasingly dominant majority.²²² The participation of the talented candidates would be vital in counteracting what he regarded as the movement of history towards uniformity. Mill hoped that educated minorities would keep the spirit of improvement alive, which he deemed to be possible only through a contest for dominium between conflicting powers in society.²²³ He believed that, in order to promote improvement, social institutions should be framed so as to oppose those social inequalities that undermined the condition of individuals as autonomous human beings by placing them under various sorts of tyranny.²²⁴ Such inequalities prevented people from acquiring the means that were necessary for happiness and were, therefore, against the spirit of Mill's utilitarianism.²²⁵ Mill believed that differences of taste and opinion were indispensable to move society forward because they created the ideological opposition that keeps the flame of improvement alive. However, he did not accept social inequalities which deprived individuals of the basic conditions of their

²²⁰ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, pp. 148-50; *On Liberty*, (CW), XVIII, pp. 130-2; *A System of Logic*, (CW), VIII, pp. 924-5.

²²¹ D.F. Thompson, *John Stuart Mill and Representative Government*, p. 177.

²²² See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 536.

²²³ See J.S. Mill, *Essays on French History and Historians*, (CW), XX, p. 270.

²²⁴ See J.S. Mill, *Utilitarianism*, (CW), X, pp. 258-9.

²²⁵ See *ibid.*, pp. 257-8.

happiness.²²⁶ Social justice was a standard ‘towards which all institutions, and efforts of all virtuous citizens, should be made in the utmost possible degree to converge’.²²⁷ In other words, social inequalities should be tolerated to the extent that they did not compromise the well-being of society, but diversity should always be promoted because it was a prerequisite for human improvement in general. Thus, if the levelling of social inequality and legal privilege was generally beneficial for society, the standardisation of taste and opinion was always detrimental.²²⁸ For Mill, historical improvement was a complex process that combined the removal of social inequality and the diversification of the social environment. He also believed that, as societies improve, the social feelings that were ingrained in human nature tended to become more powerful and to make people feel sympathy towards other members of society. But he thought that, ‘in the comparatively early state of human advancement in which we now live, a person cannot indeed feel that entireness of sympathy with all others’.²²⁹ He assumed this was the reason why, in many people, selfish feelings prevailed over altruistic ones. Mill argued that the sense of unity between individual and society should be prominent in education and in the organisation of social institutions. He associated historical improvement with the continual assertion of individuality, opposition between contending views and centres of power in society, the removal of social inequalities that undermined individuality, and the promotion of altruism and co-operation. He believed that, in civilised societies, people were willing to make sacrifice of some portion of individual will and to co-operate. Where such willingness did

²²⁶ See F.R. Berger, *Happiness, Justice and Freedom: The Moral and Political Philosophy of John Stuart Mill*, (Berkeley: University of California Press, 1984), pp. 159-61.

²²⁷ *Ibid.*, p. 257.

²²⁸ See *ibid.*, p. 232.

²²⁹ *Ibid.*, p. 233.

not exist, society would not benefit from shared effort and the exchange of experiences which might otherwise lead to improvement.²³⁰

There is no doubt that these ideas gave Mill some grounds by which to evaluate historical changes and social institutions. For example, according to Mill's theory of history, the re-establishment of slavery in a democratic society could not be seen as an instrument for improvement because it represented a change that undermined individuality and, therefore, did not lead towards a more advanced stage of society. He did not, however, supply the empirical generalisations which would have related trends of history to human nature and which he regarded as necessary to provide the grounds for the evaluation of historical change. Mill disapproved of the attempt of the French philosophers to establish the laws of progress which would enable them to predict future events.²³¹ For him, this was inappropriate because the science of history could offer no more than conditional predictions about social change. As A. Ryan points out, for Mill, 'the pattern which historians may have discerned in historical change can at best be only an empirical law, a summation of particular facts, and not a causal law at all'.²³² When Mill referred to social improvement, he mainly had in mind the development of the moral and intellectual capacities of human beings, and not simply material progress. He was aware that civilisation did not progress homogeneously and in every aspect of its life: 'we do not regard the age as either equally advanced or equally progressive in many kinds of improvement. In some it appears to us stationary, in some even retrograde'.²³³

²³⁰ See J.S. Mill, *Civilization*, (CW), XVIII, p. 122.

²³¹ See J.S. Mill, *A System of Logic*, (CW), VIII, p. 914.

²³² A. Ryan, *The Philosophy of John Stuart Mill*, p. 174.

²³³ J.S. Mill, *Civilization*, (CW), XVIII, p. 119.

Overall, Mill saw history as moving towards a standardisation of taste and opinion, while his political theory promoted popular participation in the life of society and competence in government in order to counteract the nineteenth-century trend towards uniformity and to create the conditions for self-cultivation. Mill's theory of history was not developed enough to provide an all-encompassing evaluation of improvements in national cultures, but it was largely in agreement with Tocqueville's idea of multiplying the centres of power, promoting diversity, and strengthening civic education. Regarding American society in particular, Mill also saw the so-called enlightened self-interest that was all-pervasive in America as an important medicine in curing the ills of democracy. Tocqueville defined the enlightened self-interest as an individual's 'willingness to put his private interests into balance with everyone else's in order to determine the collective interest of the community'.²³⁴ He showed that Americans 'almost always know how to combine their own well-being with that of their fellow citizens'.²³⁵

Lamberti is correct to say that Mill and Tocqueville held the same views on the role of the judiciary in America, on the necessity of instilling a spirit of responsibility in society, and on the importance of competence in government. Lamberti's claim that Tocqueville failed to specify that the greatest threat to liberty in France came from the government, whereas in America it came from public opinion, is also correct. Tocqueville's deficiency in this respect contrasts with Mill's insight that the enlargement of the 'province of government' prevailed in the Continental nations, while in England and America restraints on mental

²³⁴ A. Oldfield, *Citizenship and Community: Civic Republicanism and Modern World*, p. 118.

²³⁵ A. de Tocqueville, *Democracy in America*, p. 501.

freedom proceeded much more from public opinion.²³⁶ Tocqueville was certainly aware that public opinion was the main source of the threat to liberty in America, but he did not use his comparative method of sociological analysis to come to a precise assessment of the roles of both state and public opinion in threatening liberty in America and in France. Lamberti's perception that Mill ascribed a more important role to rationally-built institutions than to traditional sentiments in preventing the excesses of democracy, shows how sharp his account is. Most of Mill's political thought and parliamentary activities were devoted to the analysis and implementation of political institutions, especially electoral ones. This is not at odds with Mill's utilitarian faith in the possibility of improvement by means of political reform. He believed that the spirit of liberty should be promoted through voluntary association, and participation in local government, juries, and trade unions. Nevertheless, he thought that the government should be the main agency of national education, because 'the most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves'.²³⁷ The electoral process, therefore, was important because it determined the configuration of the government. Mill advocated the adoption of electoral institutions that provided due representation for minorities because governments would be able to perform their educational role only if superior intellects were found among their members. The problem was that, for Mill, government was always either in the hands, or passing into the hands, of whatever happen to be the strongest power in society, and superior intellects were not amongst those who constituted the strongest power in nineteenth-century Britain.²³⁸ Mill's later political thought favoured rationally-built electoral institutions because he wanted to

²³⁶ See J.S. Mill, *Principles of Political Economy*, (CW), III, pp. 799, 935.

²³⁷ J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 390.

ensure the presence of superior intellects into parliament. In other words, he wanted to bring inferior minds in contact with superior minds, 'a contact which in the ordinary course of life is altogether exceptional, and the want of which contributes more than anything else to keep the generality of mankind on one level of contented ignorance'.²³⁹ The presence of educated minorities in parliament was essential because otherwise it would simply reflect the wishes of the majority, which was both dangerous and impoverishing. Lamberti is also correct to stress that Mill's conception of democracy gave a central role to the mechanisms of accountability. For Mill, a democratic government was above all one which was accountable to people. Democracy, therefore, did not mean primarily 'that the people themselves govern, but that they have security for good government. This security they can not have by any other means than by retaining in their own hands the ultimate control'.²⁴⁰ Besides, as has been shown in the first chapter, Mill developed a radical conception of accountability that required both that those in power could be held accountable for their acts, and that individuals could be held accountable before their fellow-citizens for their votes. Tocqueville made Mill aware that it was imperative to render the masses accountable, for, as the main power in society, they could threaten diversity. Lamberti is not correct to say that Mill treated Tocqueville's method as if it were a blueprint for historical development. It has already been shown in the discussion of Siedentop's account that Mill did not believe that history advanced in a linear evolution. For Mill, progress was neither a homogeneous movement nor simply related to material achievements. He rejected the idea that it was possible to find causal laws of progress, and did not expect Tocqueville's sociology to offer either a blueprint for history or an abstract model of

²³⁸ See J.S. Mill, *Autobiography*, (CW), I, p. 169.

²³⁹ J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 539.

democracy by which existing democracies could be evaluated. Mill praised Tocqueville's account of democracy precisely because it offered a comparative historical analysis, incompatible with the idea that history was predictable. Lamberti criticises Mill for not having realised that Tocqueville's view that democracy was the source of the tyranny of the majority did not preclude Tocqueville from accepting the view that the dynamic of industrial society was an additional factor which diverted people from public concerns and favoured the tyranny of the majority. Lamberti does not accept Mill's claim that Tocqueville mis-attributed effects caused by the progress of national prosperity to the increasing equality of conditions, and 'bound up in one abstract idea the whole of the tendencies of modern commercial society, and [gave] them the name - Democracy'.²⁴¹ In order to determine if Mill's claim is correct, it is necessary to appreciate the association in Tocqueville's thought between democracy understood as equality, the absence of aristocracy, and the tyranny of the majority. In *Democracy in America*, Tocqueville clarified this association. He recognised that the equality of conditions brought about by democratic societies generated milder manners. In democracies people tended to share the same feelings and therefore felt more empathy for others, while in aristocratic societies the feelings of the higher ranks of society did not coincide with those of common people. In this way, 'there is real sympathy only among those who are alike; and in aristocratic centuries one sees those like oneself only in the members of one's caste'.²⁴² According to Tocqueville, the bonds that linked serf and nobles in aristocratic societies were primarily of an institutional nature. The devotion of serfs to nobles, and the sense of responsibility that the nobles had towards their serfs, had an institutional rather than a personal basis. The serf

²⁴⁰ J.S. Mill, *Appendix B. Appendix to Dissertation and Discussions*, Vol. I, (CW), XIX, p. 651.

²⁴¹ J.S. Mill, *De Tocqueville on Democracy in America*, (CW), XVIII, p. 191.

felt himself obliged to dedicate himself to whoever among the nobles was his chief, while the nobleman felt responsible for the serfs because they were within his domains.²⁴³ For Tocqueville, the lack of interest in the human misery in aristocratic societies was a consequence of the lack of sympathy between the different ranks of society, and not a consequence of lack of enlightenment. In democratic societies, men were unlikely to submit themselves to others, but they did feel compassion when others were suffering. Sharing the same feelings, human beings tended to relieve the sufferings of others or, in Tocqueville's words, to be mild towards them, when to do so did not require large sacrifices.²⁴⁴ Tocqueville thought that equality generated love for political freedom because it rendered men independent and willing to criticise authorities to which they owed no special deference. Those who acted in an independent manner tended to prefer governments that they had elected, because these were a product of their will.²⁴⁵ The fact that, once governments were elected, individuals were left isolated before the central power led to their subjection to a paternalist control.²⁴⁶ For Tocqueville, such subjection was detrimental to freedom because it engendered a new kind of oppression in which citizens were converted into a herd of obedient sheep, totally devoted to their individual and family affairs and withdrawn from public life. Tocqueville had no doubt that modern governments could penetrate the sphere of private affairs more easily than governments of antiquity and the middle ages. In the Roman Empire, the emperor was powerful, but the provinces were administrated separately, and 'the details of social life and of individual existence

²⁴² A. de Tocqueville, *Democracy in America*, p. 536.

²⁴³ See *ibid.*, p. 536.

²⁴⁴ See *ibid.*, p. 538.

²⁴⁵ See *ibid.*, p. 639.

²⁴⁶ See A. de Tocqueville, *Democracy in America*, p. 664.

ordinarily escaped his control'.²⁴⁷ In the middle ages, society was very decentralised, with the nobility lying between the monarch and the people. Power was divided and the monarch was not in 'charge of governing and administering cities'.²⁴⁸ The aristocracy, as a distinctive group, was capable of defending itself against the encroachments of the monarch. In a modern context in which equality prevailed, it was important that people combined to defend their freedom, and thus avoid being forced to conform to the wishes of the crowd. By comparing democratic institutions in France and in America, Tocqueville made an important contribution to political theory. He showed that democracy had emerged in America without the need to fight an already existing aristocracy.²⁴⁹ Hence, the Americans were lucky 'to have arrived at democracy without having to suffer democratic revolutions, and to be born equal instead of becoming so'.²⁵⁰ But in France, democratic institutions had emerged after a long process of erosion of the political power of the nobility. The French revolution was thus 'only the completion of a long travail, the sudden and violent termination of a work in which ten generations of man had toiled'.²⁵¹ It is important to understand that under the ancien regime, France was already undergoing centralisation. The influence of royal intendants in the administration of the provinces was effective despite the diversity of regulations existing at that time. This centralisation facilitated the later division of France by the Constituent Assembly into departments, disregarding the historic division of France into provinces, and behaving as if France were a land recently discovered.²⁵² Tocqueville saw the advance of democracy as the key to

²⁴⁷ Ibid., p. 661.

²⁴⁸ Ibid., p. 667.

²⁴⁹ See A. Oldfield, *Citizenship and Community: Civic Republicanism and the Modern World*, p. 167.

²⁵⁰ A. de Tocqueville, *Democracy in America*, p. 481.

²⁵¹ P. Manent, *Tocqueville and the Nature of Democracy*, (London and Boston: Rowan & Little Publishers, 1996), p. 110. See also J.G. Merquior, *O Liberalismo Antigo e Moderno*, p. 88.

²⁵² See R. Aron, *As Etapas do Pensamento Sociológico*, (São Paulo: Martins Fontes, 1987), pp. 224-32.

understanding modern society. Democracy for him was the 'generative fact', the principle that influenced all aspects of the social and political order. This influence was disruptive from the beginning because it arose out of an attack on the bonds of dependence and the hierarchy of the previous social order.²⁵³ It was also disruptive because it tended to favour the passion for material well-being which was 'essentially a middle class passion; it grows larger and spreads with the middle class'.²⁵⁴ As a matter of fact, Tocqueville did not deny that many factors were operating in favour of individualism, and consequently of the tyranny of the majority. He was aware that the pursuit of material well-being was one of them. Nevertheless, Tocqueville believed that democracy remained the ultimate cause of all the factors that contributed to the tyranny of the majority. This is clearly shown by his remark that when 'ranks are confused and privileges destroyed, when patrimonies are divided and enlightenment and freedom are spread, the longing to acquire well-being presents itself to the imagination of the poor man, and the fear of losing it, to the mind of the rich'.²⁵⁵ In other words, it was the impulse towards equality that emerged as a consequence of the increasing centralisation exercised under the ancient regime, which in turn had eroded the ties and loyalties of aristocratic society and had led people to be lured by wealth. Tocqueville seemed to think that industrialisation tended to reinforce the process of standardisation of tastes and opinion that emerged with the destruction of the aristocratic social order. However, he did not explain how democracy operated in conjunction with the new forces present in industrial society. Tocqueville attached great importance to mores and beliefs in analysing the phenomenon of individualism, but did not research the dynamic of industrial society itself, so as to be able to specify how it impinged on the phenomenon

²⁵³ See P. Manent, *Tocqueville and the Nature of Democracy*, pp. 123-4.

²⁵⁴ A. de Tocqueville, *Democracy in America*, p. 507.

of individualism. He was thus unable to explain why the effects that he attributed to democracy, understood as equality of condition, were operating in England, an aristocratic society. Tocqueville had to provide an analysis of how democracy interacted with industrial society in order to deal with this problem. Nevertheless, Tocqueville was sagacious enough to realise that, in a society where manufacturers had no responsibility for their employees and their dependants 'the policy of laissez-faire, pursued by bourgeois controlled parliaments tended to create a capitalist despotism that would result in a revolutionary movement to establish socialism'.²⁵⁶ He foresaw that a socialist uprising might represent a huge threat to democracy, either by creating a new despotism or a dictatorial reaction. Mill also feared socialism. In his later thought he proposed small-scale socialist experiments, purporting to favour people's capacity, 'of acting upon motives pointing directly to the general good, or making them aware of the defects which render them and others incapable of doing so'.²⁵⁷ In Mill's view, these experiments should be rejected if they led to the tyranny of society over the individual. Mill's form of socialism was intended to combine 'the greatest individual liberty of action, with a common ownership in the raw material of the globe, and an equal participation of all in the benefits of combined labour'.²⁵⁸

After considering all these points, it is clear that Lamberti's account of the relationship between Mill's and Tocqueville's political theory is illuminating: first, because he detects with precision the convictions shared by Mill and Tocqueville; second, because he sees differences between them that are not normally perceived; and third, because he makes it

²⁵⁵ Ibid., p. 507.

²⁵⁶ J.S. Schapiro, 'Alexis de Tocqueville, Pioneer of Democratic Liberalism in France', p. 561.

²⁵⁷ J.S. Mill, *Autobiography*, (CW), I, p. 241.

²⁵⁸ Ibid., p. 239.

evident that their political philosophies were intended to promote a civic culture that supported liberty and diversity. It is true that to reach their goals, Tocqueville relied on tradition and participation, while Mill relied on accountability and self-cultivation. For the purposes of this chapter, however, what matters most is the fact that they were working over a common set of problems which were central to their political philosophies.

2.5. CONCLUSION

Between 1835 and 1840, J.S. Mill devoted himself to the search for a power in society to counteract that of the masses. Mill's attempt to find such a power reflected his acceptance of Tocqueville's claim that the despotic propensities of the democratic age would lead to the stagnation of society through the creation of obedient mass sharing the same set of values. This represented a shift from one conception of democracy that gave unrestricted power to the will of the majority to another that purported to give weight to the will of minorities as well. Mill's new conception of democracy built on the characteristics of his existing conception of democracy, such as faith in professional administration and opposition to sectional representation, the notion that it was imperative to render the masses as well as the government accountable because of the threat they pose to individuality and diversity. Mill explicitly attributed this shift in his thought to Tocqueville, and admitted that concern for minorities was lacking in Bentham's democratic theory. It is clear that the influence of Tocqueville over Mill was long-lasting, for his mature works, such as *On Liberty* and *Considerations on Representative Government*, shared the same concerns with *Democracy in America*. Moreover, Tocqueville's influence is recognised by commentators on the intellectual relationship between Mill and Tocqueville, though there is disagreement

about the precise nature of this intellectual relationship. Mill's assertion that *Democracy in America* I pointed out the direction that his political theory would follow in the future proved to be correct. Mill believed, as Tocqueville did, that participation in local self-government, voluntary associations and the multiplication of the centres of decisions were essential in motivating people to work together for common purposes. Mill's incorporation of Tocqueville's sociological theory in his political thought provided him with a theoretical framework capable of encompassing the main concerns that Mill inherited from both Guizot and Coleridge. The clash between different points of view advocated by Guizot, and the self-cultivation advocated by Coleridge, were likely to occur only where institutions favoured diversity - Tocqueville's method provided a basis for the understanding of the importance of diversity. For Tocqueville, the centralisation and atomisation of social life were processes intrinsically connected to the spread of democracy. He believed that these processes left individuals isolated before a central power because they caused the withering of intermediary bodies that would otherwise provide them with means to oppose the central power. Deprived of the bonds that tied them with members of society other than their families, individuals were led to follow the majority because, being isolated, they were unable to oppose the prevailing trends. The tyranny of the majority was thus, for Tocqueville, a consequence of the emergence of democracy and the erosion of aristocratic society. Mill judged this explanation unsatisfactory because it did not explain the way in which democracy operated in conjunction with the new forces of modern industrial society. Despite this deficiency, Tocqueville's political theory provided Mill with relevant tools for the understanding of modern institutions. Mill assumed that the increasing standardisation of taste and opinion favoured the power of the masses and precluded deference to any sort of authority other than theirs. In order to counteract the tendency to standardisation, Mill

designed institutional mechanisms which would provide a fair representation for minorities who dissented from the views of the increasingly powerful majority, and thereby enable them to act in opposition to the masses.

Thus, in the late 1830s and early 1840s, Mill aimed to establish in civil society a power to rival that of the masses. From the early 1850s, he showed growing interest in designing institutions which would oppose the tyranny of the majority, and paid especial attention to electoral institutions. His intention was to secure the participation of the educated few in the representative body, so as to raise the level of the leadership and prevent the majority from imposing uniformity. Mill's ultimate intention was to render the masses accountable by designing electoral institutions to counteract their influence. These institutions were originally conceived in the early 1850s, and were a characteristic feature of his mature political thought. They gave concrete expression to the shift in Mill's thought that his study of Tocqueville had produced in the early 1840s. The next chapter deals with Mill's proposals for reform of the electoral system.

CHAPTER 3

THE ELECTORAL SYSTEM AND DEMOCRACY

3.1. INTRODUCTION

This chapter will show that the electoral mechanisms that Mill advocated from the early 1850s onwards, namely plural voting and Hare's system of proportional representation, were mainly concerned with accountability. He believed that they would guarantee the participation of the educated members of society in government, which he deemed essential in order to raise the standard of debate in parliament and prevent the majority from achieving absolute power. It will be argued that Mill failed to provide an institutional embodiment for his ideal of democracy. His conception of democracy encompassed various demands that were difficult to meet, and he lacked the expertise to devise an institutional framework adequate for it. It will also be argued that Mill was right to oppose the view that a centralised intellectual authority could help to improve society, and to support the view that improvement was the probable outcome of debate amongst those with various social perspectives. It will be claimed that Mill's assumption that the minority and the majority were homogeneous groups, and his belief that the minority could not tyrannize the masses under any circumstances, were important factors in complicating his attempt to translate his

ideal of democracy into practical institutions. Yet, it will be shown that, overall, Mill's intention was to promote reforms whereby people would be encouraged increasingly to participate in the political process while avoiding the risk of revolutionary changes.

The second section of this chapter will show that the plural voting system which Mill proposed favours competence in government to the detriment of participation, because it alienates from the political process those who do not receive additional votes. It will be argued that Mill's defence of plural voting was based on the false notion that technical expertise in matters of government equated to political knowledge, and that it was at odds with his democratic ideals.

The third section shows that Mill championed Hare's voting system because he saw it as the definitive solution to the problems of representative democracy, in that, by granting proportional representation for minorities in parliament, it would create a centre of opposition that would keep the majority accountable. Mill believed that the existence of this tension in parliament would be enough to prevent the tyranny of the majority, so that once it was established, there was no longer any reason to oppose the enfranchisement of the working classes. It will be argued, however, that Mill failed to realize that Hare's voting system was not appropriate for promoting accountability, because it entailed complex practical operations that rendered it virtually incomprehensible, and therefore unlikely to be understood and scrutinized by the average citizen.

In the fourth section, it will be shown that Mill did not succeed in translating democracy into electoral institutions because he lacked the expertise to devise institutions capable of

implementing his sophisticated democratic ideal, which combined concerns with participation, competence, and accountability. It will be argued that Mill was one of those Victorian intellectuals who saw improvement as resulting from the tension between intellectual excellence and the commonplaces of popular opinion. He believed that participation in non-electoral institutions could raise the intellectual standards of the masses, and prepare them for participation in the electoral process. Nevertheless, Mill was unrealistic both in treating the 'educated few' as a group of people sharing the same views and free from egoistic feelings, and in disregarding the possibility of the majority being oppressed by a minority.

The fifth section will show that Mill, fearing that the tyranny of the masses would result from revolutionary changes, proposed the creation of a political culture capable of encouraging participation and professional administration, and advocated a gradual reformism in which the pace of the extension of the franchise was combined with improvements in education. In the end, it will be stressed that the institutions he proposed would not have achieved accountability and would not have realised his democratic ideals.

3.2. PLURAL VOTING

In a letter to Edward Herford on 22 January 1850, Mill stated that progress was coming to a halt due to the low intellectual and moral states of all classes.²⁵⁹ Throughout the 1850s he took on the task of designing an electoral system capable of providing a fair representation for the educated minority, because he thought this was necessary to raise the level of

political leadership and prevent the majority from imposing uniformity. In discussion with Harriet Taylor, he drafted a programme of electoral reforms in 1853. The programme was subsequently improved and was published in 1859 under the title *Thoughts on Parliamentary Reform*.²⁶⁰ In this work Mill advocated the introduction of an electoral system that required a basic level of education for the franchise and the adoption of a plural voting system that weighted the number of votes according to the educational level of citizens. He deemed those institutional mechanisms necessary for the promotion of participation and competent leadership. Mill believed that participation in the electoral process was important to train the popular mind both intellectually and morally. This is why he claimed that ‘all governments must be regarded as extremely imperfect, until every one who is required to obey the laws, has a voice, or the prospect of a voice, in their enactment and administration’.²⁶¹ For Mill, citizens were entitled to choose those who were responsible for the political decisions that affected society and to have a voice in matters of administration. Nevertheless, he did not accept that everyone ought to have an equal voice in such matters. Mill agreed with the view that everyone ‘has an equal claim to control over his own government’.²⁶² But he saw the power that the suffrage gave as a power over others, and in this case ‘the claims of different people to such power differ as much, as their qualifications for exercising it beneficially’.²⁶³ Mill rejected the view that every one was entitled to an equal claim to power over others, and accepted the view that the educated few should exert more power over others because they possessed more knowledge applicable to the affairs of the community. Based on this presumed superiority of knowledge, Mill

²⁵⁹ See J.S. Mill, *Later Letters 1849-1873*, (CW), XIX, p. 45.

²⁶⁰ See J.S. Mill, *Autobiography and Literary Essays*, (CW), I, p. 261.

²⁶¹ J.S. Mill, *Thoughts on Parliamentary Reform*, (CW), XIX, pp. 322-23.

²⁶² Ibid.

advocated granting a greater weight to the suffrage of better-educated voters. In *Thoughts on Parliamentary Reform*, he defended the notion that the value of the vote of every person should be proportionate to their level of education:

If every ordinary unskilled labourer had one vote, a skilled labourer, whose occupation requires an exercised mind and knowledge of some of the laws of external nature, ought to have two. A foreman, or superintendent of labour, whose occupation requires something more of general culture, and some moral as well as intellectual qualities, should perhaps have three. A farmer, manufacturer, or trader, who requires a still larger range of ideas and knowledge, and the power of guiding and attending to a great number of various operations at once, should have three or four. A member of any profession requiring a long, accurate, and systematic mental cultivation - a lawyer, a physician or surgeon, a clergyman of any denomination, a literary man, an artist, a public functionary (or, at all events, a member of every intellectual profession at the threshold of which there is a satisfactory examination test) ought to have six. A graduate of any university, or a person freely elected a member of any learned society, is entitled to at least as many.²⁶⁴

Mill's conviction that educated voters should be allowed more influence in the choice of their representatives was mainly grounded on the belief that such persons had more knowledge applicable to the affairs of the community, but also grounded to some extent on a very low estimation of the capacity of the uneducated man. He referred to the uneducated

²⁶³ Ibid.

²⁶⁴ Ibid., pp. 324-5.

as 'superstitiously attached to the stupidest and worst of old forms and usages', as 'eager to clutch at whatever they have not and others have', and as 'incapable of clearly conceiving the rights of others'.²⁶⁵ Mill believed that deference to the intellectual excellence of the educated few was necessary in order to provide a balance between numbers and education, and thereby promote the well-being of society. Otherwise, the lowest on the educational scale would outvote the educated, and virtually exclude them from parliament. He proposed that adults, who had passed a test to assess their capacity in reading, writing, and performing basic arithmetic operations, should be enfranchised. In his view, demanding a very small amount of educational attainment as a condition of suffrage could prevent political disasters. He gave a dramatic example:

Reading, writing, and arithmetic are but a low standard of educational qualification; yet even this would probably have sufficed to save France from her present degradation. The millions of voters who, in opposition to nearly every educated person in the country, made Louis Napoleon President, were chiefly peasants who could neither read nor write, and whose knowledge of public men, even by name, was limited to oral tradition.²⁶⁶

Mill thus advocated giving greater weight to the suffrage of the more educated voters as a precaution against unskilled representatives.²⁶⁷ However, it is important to understand that his proposed plural voting system was motivated primarily by a concern for accountability. He presumed that, if extra votes were not given to the educated minority, the majority

²⁶⁵ Ibid., p. 327.

²⁶⁶ Ibid.

would gather a considerable amount of power and be unanswerable to anyone. Controlling parliament without an effective opposition, the majority would tend to impose uniformity, which would be detrimental to the polity. For Mill, if a system of equality were introduced, for example, 'under universal suffrage, the class of mere manual labourers would everywhere form a large majority in any electoral district grounded solely on a local division of the country'.²⁶⁸ A political system framed in this way disenfranchised the other members of society, and did not replicate properly the opinion prevailing in society. He tried to promote the involvement of the educated in politics because they were so greatly outnumbered by the uneducated, and, in a society in which power was passing to the hands of the masses, they are potential victims of tyranny. Mill thought that the plural voting system that he proposed was democratic because, on the one hand, it did not permit the majority to be outweighed by the minority; and, on the other hand, it allowed the minority to be represented in parliament.²⁶⁹ He feared the exclusion of representatives of the educated few from parliament, and argued that the educated few were not likely to control society, since their lack of identification with the values prevailing amongst the majority of its members would hinder them from accumulating the power that would enable them to control people in general. Later, however, in *Considerations on Representative Government*, Mill recognised that, although unable to control the majority, the minority tended to have an influence in parliament greater than their numerical strength because they were better able to put forward arguments and perform the role of a centre of resistance against the ascendancy of the majority.²⁷⁰ As a matter of fact, in *Considerations on*

²⁶⁷ See J.S. Mill, *Thoughts on Parliamentary Reform*, (CW), XIX, pp. 326-7.

²⁶⁸ Ibid., pp. 329-30.

²⁶⁹ See ibid., pp. 328-29.

²⁷⁰ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, pp. 515-16.

Representative Government, he maintained the same line of reasoning he had developed in *Thoughts on Parliamentary Reform*, according to which the system of plural voting was necessary to preserve the educated from the class legislation of the uneducated, but must stop short of enabling the minority to introduce class legislation for their own benefit.²⁷¹

The utilitarian movement provided Mill with an historical example of a small group of people that had influenced society in a way that he regarded as positive. Their effectiveness may have also reinforced Mill's conviction that a minority could significantly improve society. For Mill, the utilitarian movement did well in advocating progressive changes in society, especially in the fields of electoral and welfare reform. The antagonism of ideas between representatives of the educated few and representatives of the majority who upheld the values prevailing in society was essential to democracy. As representatives of different interests, they tended to be more willing to scrutinise each other, because they held opinions that were generally at odds. For Mill, this promoted accountability because, in checking each other, the minority and the majority were made answerable to society for their acts, and therefore were more likely to be controlled. Accountability is a central theme in *Thoughts on Parliamentary Reform*. The main object of Mill's defence of plural voting system was to render government answerable to the people. If minorities were present in parliament, they could check the power of the majority. Accountability is also a feature of Mill's defence of open voting in *Thoughts on Parliamentary Reform*. His opposition to the secret ballot was based on the conviction that secrecy left electors unaccountable to their fellow citizens, which he deemed detrimental to society. *Thoughts on Parliamentary Reform* was Mill's first comprehensive attempt to give an institutional answer to his

²⁷¹ See *ibid.*, p. 476.

concern with the tyranny of the majority. His opposition to the radical tenet 'one man one vote' in *Thoughts on Parliamentary Reform* shows that Mill was not willing to countenance equality in every right recognised by society. He rejected the idea that individuals were all equally enlightened, capable, and strong. Despite agreeing with the democratic reformers in having universal suffrage as an ultimate aim, he believed that inequalities must be recognised, because those of greater intelligence should manage public affairs:

It is the fact, that one person is not as good as another; and it is reversing all the rules of rational conduct, to attempt to raise a political fabric on a supposition which is at variance with fact. Putting aside for the present the consideration of moral worth, of which, though more important even than intellectual, it is not so easy to find an available test; a person who cannot read, is not as good, for the purpose of human life, as one who can. A person who can read, but cannot write or calculate, is not as good as a person who can do both. A person who can read, write and calculate, but who knows nothing of the properties of natural objects, or of other places and countries, or of the human beings who have lived before him, or of the ideas, opinions, and practices of his fellow-creatures generally, is not so good as a person who knows these things. A person who has not, either by reading or conversation, made himself acquainted with the wisest thoughts of the wisest men, and with the greater examples of a beneficent and virtuous life, is not so good as one who is familiar with these. A person who has even filled himself with this various knowledge, but has not digested it - who could give no clear and coherent account of it, and has never exercised his own mind, or derived an original thought from his

own observation, experience, or reasoning, is not so good, for any human purpose, as one who has There is no one who, if he was obliged to confide his interest jointly to both, would not desire to give a more potential voice to the more educated and more cultivated of the two.²⁷²

It is important to consider whether Mill's advocacy of a plural voting system compromises his democratic ideals. His fear of a democratic despotism seems to have led him to compromise such important democratic notions as equality and participation. The democratic ethos is marked by the idea of a presumed equality amongst citizens, who are not subjected to any sort of hereditary deference.²⁷³ Mill certainly rejected hereditary deference. However, it is necessary to examine whether or not his deference to intellectual excellence, by granting additional votes to the educated, undermined his commitment to democracy.

The plural voting system proposed by Mill would have been detrimental to participation. It is quite difficult to imagine how those whose votes would have been worth less than others would have been motivated to engage in the political process in a context where the passion for equality was becoming increasingly influential. It seems reasonable to infer that, had Mill's proposal been implemented, it would have imparted to those who were not awarded additional votes the perception that they were not endowed with the same dignity as their

²⁷² J.S. Mill, *Thoughts on Parliamentary Reform*, (CW), XIX, pp. 323-4.

²⁷³ See L. Siedentop, 'Two Liberal Traditions', in A. Ryan (ed), *The Idea of Freedom: Essays in Honour of Isaiah Berlin*, (Oxford: Oxford University Press, 1979), p. 153.

fellow citizens whose opinions were seen to worth more.²⁷⁴ The system Mill proposed was framed in an aristocratic fashion establishing several levels of citizenry in which the vote of the educated was of greater value than the vote of the common citizen. The perception that their dignity is not being respected is likely to produce either resentment or apathy and thus to alienate people from the political process by leading them either to resentment or apathy. One might argue that it is an open question whether this would be the outcome were Mill's scheme to be implemented. This is not a sound objection, however, because, if each vote counted equally, people would be a lot more willing to be involved in the political process since their vote would be more influential. As a utilitarian, Mill's commitment to plural voting depended on its contribution to the well being of society. If it turned out that society would be better served by an equal voting system, then he would need to abandon plural voting. One can thus infer that Mill did not take seriously the possibility of resentment and apathy being the consequence of plural voting, because he assumed that the tyranny of the majority was the main threat to general happiness. It is, therefore, fair to say that Mill's defence of plural voting tended to reinforce the idea of an intellectual aristocracy in a period in which the longing for equality was growing stronger. In order to strengthen competence and create a well-qualified leadership, Mill diminished the value of participation as an instrument to promote civic culture and improve the masses. This seems to be in agreement with Mill's affirmation in his *Autobiography* that in the 1850s he was less democratic than he had been previously.²⁷⁵

²⁷⁴ See P. Jones, 'Political Equality and Majority Rule', in D. Miller and L. Siedentop (eds), *The Nature of Political Theory*, (Oxford: Clarendon Press, 1983), pp. 177-8.

²⁷⁵ See J.S. Mill, *Autobiography*, (CW), I, p. 239.

Mill never found acceptance among politicians for his idea of giving additional votes to those with a superior education. He said that those who desire any sort of inequality in the electoral vote, did so 'in favour of property and not of intelligence or knowledge'.²⁷⁶ The electoral system that Mill advocated in *Thoughts on Parliamentary Reform* was problematic both because the inequality in the vote which it advocated was more likely to alienate than to commit people to the political process, and because it demanded the identification of the various grades of political knowledge in order to establish the value of the votes. He campaigned in favour of the establishment of a system of National Education precisely to make such an identification and to rank the value of people's franchise. It appears, nevertheless, that Mill underestimated the difficulties involved in the process of establishing a standard to define the level of valuable political knowledge that citizens have:

Still, political issues always involve both instrumental knowledge and moral judgements, and those persons who have technical proficiency in particular areas have no unique claim to moral competence. For instance, an economist can claim special expertise regarding, say, how raising the minimum wage will affect the level of unemployment in an economy, but they have no special moral competence concerning if, when, and how a society should adjust its minimum wage laws. Such policy decisions involve judgements about risks and ends that go beyond the technical expertise of economists.²⁷⁷

²⁷⁶ Ibid., p. 261.

It is important to note that the highly educated few are not free from prejudice and class bias.²⁷⁸ Mill does not seem to have paid attention to the fact that superiority in instrumental knowledge does not imply superiority in moral knowledge. It may be the case that those having university degrees do not intend to add to the general happiness but rather to pursue their selfish interests. Besides, instrumental knowledge refers to expertise or knowledge about specific aspects of social reality, while political knowledge is concerned, among other things, with sensitivity to people's expectations, strategic and tactical reasoning, the ability to negotiate and compromise, and a sense of opportunity. Defending plural voting, Mill assumed that he could measure the political knowledge that people possessed, and rank the value of their franchise accordingly. This is, however, groundless, because neither professional qualifications nor university degrees offer grounds for estimating the capability to choose representatives. The simple fact that someone has achieved a university degree or is a clergyman does not make him better able to choose a representative than a tradesman or a farmer, as Mill presumed. On the other hand, to reserve a special role for the educated in those functions of the executive branch of government that require considerable expertise in legal or administrative matters is justifiable. The technical support of experts can be valuable in various spheres of government, and it is especially valuable for those working in the bureaucracy.²⁷⁹ Nonetheless, there is no expertise in society that offers a good enough reason why one should be seen as better able to vote than another. Clergymen have knowledge of things that tradesmen ignore, and vice versa, but to say that what one of the groups knows will

²⁷⁷ B. Baum, *Re-reading Power and Freedom in John Stuart Mill*, (Toronto: Toronto University Press, 2000), p. 264.

²⁷⁸ See C.L. Ten, 'Democracy, socialism, and the working classes', in J. Skorupski (ed), *The Cambridge Companion to Mill*, (Cambridge: Cambridge University Press, 1998), p. 384.

enable them to make better electoral choices is itself a political matter. Besides, one cannot presume that every clergyman and tradesman has the same political leanings as the other members of the group to which they belong. It is, therefore, up to the political process to settle questions regarding policies, although technical expertise has an important role in implementing them.

In *Thoughts on Parliamentary Reform*, Mill assumed that majorities are homogeneous within themselves and hostages to the tastes and feelings prevailing in society. It appears that he believed that the overwhelmingly powerful effects of the standardization that marked the nineteenth-century had spared only the members of the educated minority. This is why he also believed that the members of the educated minority were ‘a certain group of people in the society somehow not influenced by politics though engaged in politics’.²⁸⁰ These beliefs contradict Mill’s conviction expressed elsewhere that ordinary people would be ultimately able to identify and to defer to those better able to govern society if channels of communication and discussion were kept open. In this sense, there is a difference between the capacity to make decisions and the capacity to judge them.²⁸¹ In *On Liberty*, for example, Mill accepted that, although unable to formulate them due to lack of expertise, citizens were able to judge public decisions because they were the ones affected by them. So, Mill believed that the average man’s capacities could not be rated highly, but that he

²⁷⁹ See D.F. Thompson, *John Stuart Mill and Representative Government*, (Princeton: Princeton University Press, 1976), p. 55.

²⁸⁰ T. Fuller, ‘John Stuart Mill and The Transformation of Politics in Representative Government, Utilitarianism and On Liberty’, (Baltimore: Ph.D, 1971), p. 122.

²⁸¹ See J. Morrow, *A History of Political Thought*, (New York: New York University Press, 1998), pp. 171-2.

nevertheless had the capacity to 'respond internally to wise and noble things, and be led to them with his eyes open'.²⁸²

Mill defended the exclusion of people unable to write, read, or count from the electoral process in *Thoughts on Parliamentary Reform*, alleging that they were incapable of making informed choices. He had already defended this idea many years earlier, based on the proposition that, as the press was the most important means of disseminating political views and general information, only those who were able to read were able to make informed choices.²⁸³ For Mill, it was wrong to allow those who lacked the information that would allow them to vote conscientiously to exercise power over others. This is not an invalid argument, providing the exclusion is temporary whilst people are educated to read and count.²⁸⁴ This argument appears to be associated with a sort of baseline conception of accountability and participation. However, the notion of baseline equality exists in Mill's thought only in embryonic form. Berger elaborates upon it and applies it primarily to the distribution of economic goods. According to Berger, Mill's conception of equality precluded inequalities that degraded individuals by putting them under the complete control of others, because this was to deny their status as autonomous human beings.²⁸⁵ This conception of equality can be used to explain Mill's defence of plural voting.²⁸⁶ In this way, the baseline conception of equality implied that everyone, except the illiterate, was entitled to a basic level of control over the government and to have an influence on its affairs. This was enough to respect the elector's condition of an autonomous human being, able to make

²⁸² J.S. Mill, *On Liberty*, (CW), XVIII, p. 269.

²⁸³ See J.S. Mill, *Rationale of Representation*, (CW), XVIII, p. 31.

²⁸⁴ See W. Stafford, *John Stuart Mill*, (London: Macmillan, 1998), p. 116.

choices and influence public life. Further deference, however, should be given, according to Mill, to those who possessed more of that knowledge which might be applied to the affairs of the community. So, the differentiation in the number of votes was expected to satisfy the claims of those who, in Mill's opinion, were qualified to make electoral choices which would be more beneficial to the entire community. There is no objective means of determining the number of votes each person should possess. The political process is too complex for that. The application of a conception of baseline equality to the electoral process shows that Mill was trying to accommodate the goals of participation and competence in the same conceptual framework. Nevertheless, in his account of plural voting, he clearly emphasized competence to the detriment of participation.

Mill would not have favoured inequalities that implied undue power over others because this would undermine the autonomy that was a central value in his political philosophy. He advocated the plural voting system on the assumption that it would increase general happiness by preventing the tyranny of the majority. But he failed to perceive that equal voting would have better suited his intention of promoting a liberal civic culture, because it conveys the sense that each person partake of a common dignity. The opposition that his proposal faced was a clear indication that people did not regard it as beneficial. Therefore, it would not have increased participation and added to the general happiness if it had been introduced, because it would have negatively affected people's self-respect, thus triggering resentment. In *Thoughts on Parliamentary Reform*, Mill intended to bring the benefits of trained minds to bear on government in order to avoid the threats that, in his opinion, an

²⁸⁵ See F.R. Berger's *Happiness, Justice and Freedom: The Moral and Political Philosophy of John Stuart Mill*, (Berkeley: University of California Press, 1984), pp. 159-61.

overwhelming presence of unskilled representatives could pose to government. But he mistakenly assumed that this would not be possible if votes were counted equally. In view of this, Mill put so much emphasis on his concerns that he compromised his belief in the potentialities of the people and his conviction that a perfect representative system should grant the suffrage to every adult. This implied that once a minimum level of education had been achieved, there was no more reason to give different weight to different people's influence on the electoral process. People who have university degrees are normally better able to occupy positions in government due to their expertise. However, Mill confused the capability of the educated to perform well in the bureaucracy with qualitative superiority in relevant political knowledge. This brought him close to a counter-argument to democracy, that is 'that the general public is too unintelligent, ill-informed, and inattentive to public affairs for a form of government that gives even marginal control over its policies to the mass of the people'.²⁸⁷ Mill always defended the need for competent administration. In the 1850s, he extolled the Northcote-Trevelyan Report because it recommended the selection of civil servants by means of open competition. On 8 March 1854, in a letter to Harriet Taylor, he commented that the selection of civil servants based on intellectual superiority could bring extremely positive results for society.²⁸⁸ But Mill's attempt to rank the value of the franchise betrayed the democratic ideals which underpinned *Considerations on Representative Government* and *On Liberty*. Plural voting would have tended to generate apathy and resentment, which would prevent people from exchanging their experiences in a way that Mill deemed essential to produce improvements. Besides, there is no evidence that plural voting would have produced the sort of leadership that he aimed at. If people were

²⁸⁶ See *ibid.*, pp. 159-61.

²⁸⁷ J.R. Pennock, *Democratic Political Theory*, (Princeton: Princeton University Press, 1979), pp.154-5.

alienated from the electoral process, there was no reason to think that they would engage in the task of keeping government accountable.

3.3. HARE'S PLAN FOR PROPORTIONAL REPRESENTATION

From March 1859 onwards, plural voting did not figure prominently in Mill's political discourse. He never withdrew the recommendation that it should be applied in local elections in order to improve the quality of representatives where talented people were scarce, but he stopped recommending it for general elections.²⁸⁹ Mill read Thomas Hare's *A Treatise on The Election of Representatives, Parliamentary and Municipal* a few weeks after publishing *Thoughts on Parliamentary Reform*, and came to the conclusion that it successfully reconciled popular government with respect for diversity of opinion. In *Recent Writers on Reform* (1859), Mill made highly laudatory comments on Hare's *Treatise*, accepting that it would allow the wishes of the nation to be accurately represented by giving local educated minorities the opportunity to get more seats in parliament.²⁹⁰ Hare's electoral scheme allowed candidates whose personal merits were recognised by supporters throughout the country to receive votes from beyond a particular locality and overcome hindrances created by local intolerance.²⁹¹ He thus suggested that votes cast in a national constituency would reflect a wider range of concerns than those cast in local constituencies for local candidates. Mill was convinced that the political standards of parliament would significantly improve if Hare's system were implemented. For the rest of his life, he

²⁸⁸ See J.S. Mill, *Later Letters 1849-1873*, (CW), XIV, p. 184.

²⁸⁹ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, pp. 358-9.

²⁹⁰ See J.S. Mill, *Recent writers on Reform*, (CW), XIX, pp. 358-9.

²⁹¹ See *ibid.*, p. 362.

remained an advocate of Hare's system of representation, and consigned plural voting to the periphery of his political agenda.²⁹² During the 1860s, Hare's electoral system was a priority for Mill, especially in the period in which he was a Member of Parliament (1865-8). In point of fact, Mill used his speech on personal representation, delivered in the House of Commons on 29 May 1867, to extol Hare's system.²⁹³

It is important to present Hare's system of representation before examining the case Mill made for it. In 1857 Hare published a pamphlet entitled *The Machinery of Representation*, which was subsequently improved and republished in 1859 under the title of *A Treatise on the Election of Representatives, Parliamentary and Municipal. The Machinery of Representation* reflected Hare's dissatisfaction with the fact that many prominent politicians had been defeated in elections due to their critical attitude towards the British government's treatment of China and the handling of the Crimean War.²⁹⁴ Opposition to the localism that was increasingly strong after the 1830s was the outstanding characteristic of the pamphlet.²⁹⁵ The idea that voters should be able to choose their representatives from amongst candidates from the entire nation is defended on the grounds that it could prevent representation from depending upon the whims and parochial concerns of local constituents. Hare was particularly critical of the boundaries of the constituencies, which he saw as arbitrary lines that restricted the elector to choosing candidates from his locality.

²⁹² See *ibid.*, p. 364.

²⁹³ See J.S. Mill, *Public and Parliamentary Speeches*, (CW), XXVIII, pp. 176-7.

²⁹⁴ See J. Hart, *Proportional Representation: Critics of the British Electoral System 1820-1945*, (Oxford: Clarendon Press, 1992), p. 26.

²⁹⁵ See A. Hawkins, *British Party Politics, 1852-1886*, (Hong Kong: Macmillan, 1998), p. 45.

In *A Treatise on the Election of Representatives*, Hare presented his plan for electoral reform which was designed to promote personal representation and to make possible 'the fair and adequate representation of all interests, classes and opinions'.²⁹⁶ His plan was intended to cure the infirmities of the British representative system which, in his opinion, left many electors in large constituencies virtually disenfranchised.²⁹⁷ For Hare, it was necessary to change the machinery of elections in order to allow virtually unrepresented voters to be represented. He deemed this particularly important because, among those unrepresented voters, there were members of the educated classes, who could make a valuable contribution to the political process.²⁹⁸ Hare accepted that the majority should prevail in elections, but should be subjected to an opposition capable of counteracting their wishes.²⁹⁹ He proposed, therefore, a system intended to balance the great influence of the most ignorant by providing the educated minority with due representation. For Hare, the boundaries of the constituencies were embarrassing restrictions from which electors should be freed so as to be able to find those they judged most fit for the job of representing them. Electoral divisions drawn on a geographical basis not only left minorities virtually disenfranchised, but also led to frequent calls for new reform bills, because movements of populations constantly disarranged constituencies. Hare also saw political parties as artificially created groups that hindered the formation of a qualified leadership. He thus favoured independent candidates in order to attract the most capable men to parliament and to prevent party rule. Hare believed that parties were likely to transfer political debate from parliament to their internal circles and to mute the real diversity of opinions. For Hare, 'it is

²⁹⁶ J. Hart, *Proportional Representation: Critics of the British Electoral System 1820-1945*, p. 37.

²⁹⁷ See T. Hare, *A Treatise on the Election of Representatives, Parliamentary and Municipal*, (London: Longman, 1959), p. xvii.

²⁹⁸ See *ibid.*, pp. xvi-xvii.

not usually the political tenet which has caused the party, but the party which has created the tenet'.³⁰⁰ In Hare's view, disencumbered from these restrictions, electors 'would employ the same care and caution as that with which they select persons to fill other fiduciary or vicarious offices'.³⁰¹ The then existing method of election did not present the most distinguished men in every walk of life as alternatives for the electors to choose from, and hence deprived them of the possibility of choosing well-qualified candidates that would significantly contribute to social life.³⁰² In Hare's view, it was 'beyond the power of law to compel men to unite for a common purpose, and labour in it with energy of will, unless it be one in which their nature prompts them to agree'.³⁰³ The political system should, therefore, encourage the voluntary association of persons having common pursuits and similar attachments and sympathies. Companionship with those who shared the same sentiments in political life was a powerful force which would bind together the electors of the country and motivate them to address public concerns. Hare stressed that the British people had commonly shown 'reluctance to be arbitrarily parcelled out, formed into sections, and divided by metes and bounds, to correspond with a theory, and they have commonly cast aside, at first opportunity, such artificial limits'.³⁰⁴ And yet, Hare pointed out, voluntarily formed guilds and associations could be traced back to the early history of the country, and indeed caused Richard II to be jealous of their strength and independence. So, for Hare, the existing political system should be re-framed in accordance with the long and successfully held traditions of the kingdom, which preferred voluntary association for common purposes rather than coercive methods.

²⁹⁹ See *ibid.*, pp. xi-xii.

³⁰⁰ *Ibid.*, pp. xv, xvi.

³⁰¹ *Ibid.*, p. xxi.

³⁰² See *ibid.*, p. 66.

It is important to note that Hare's intentions to promote excellence amongst MPs did not lead him to oppose the extension of the suffrage. He certainly believed that the extension of political privileges risked the creation of additional obstacles to true representation, because it made minorities relatively smaller and consequently more easily outnumbered. In this situation, the implementation of a system that was plainly inconsistent with the exclusion of minorities became even more necessary.³⁰⁵ As a matter of fact, Hare's scheme neither opposed nor supported the extension of the franchise, but was adaptable to any extent of franchise. However, he stressed the point that a House of Commons which did not contain some members in whom the working classes had confidence and who viewed problems from their perspective would be grossly defective.³⁰⁶ For Hare, the working classes had been improperly excluded from the franchise and as a result were now demanding 'a construction of the franchise' and electoral divisions that, if implemented, would throw all power into their hands. But Hare believed that the system of representation that he designed could provide a balance of power. Hence, what Hare feared was the uncontrolled government of the numerical majority, and not the presence of representatives of the working classes in parliament.³⁰⁷

Henry Fawcett shared Mill's conviction that the set of provisions embodied in Hare's *Treatise*, were essential in dealing with the major problems related to representative government. For Fawcett, Hare's scheme was capable of assuring fair representation for minorities without infringing the rights of local majorities, of diminishing corruption, and

³⁰³ Ibid., p. 45.

³⁰⁴ Ibid., p. 49.

³⁰⁵ See *ibid.*, p. xi.

³⁰⁶ See *ibid.*, p. 43.

of reducing electoral expenses for candidates.³⁰⁸ Fawcett provided a summary of Hare's scheme that was fundamentally faithful to it. This summary, framed with Hare's assent, is instructive because it shows in a systematic manner what is scattered in the 370 pages of Hare's *Treatise*.³⁰⁹ Mill thought that the summary was valuable.³¹⁰ According to the scheme: 1) Any person could become a candidate by depositing £50 and declaring the constituency for which he offered himself to the Registrar-General, who would be located in London and would be responsible for publishing a list of the names of candidates and constituencies. 2) In order to vote, each elector would sign a voting-paper before one of the returning officers, who were responsible for superintending the examination of the voting papers at local level and transmitting them to the Registrar-General. The elector could choose a candidate or candidates who had presented themselves for any constituency, and write their names on the voting paper in the order in which he was desirous they should be returned. 3) The Registrar-General was responsible for calculating the 'quota' by dividing the number of votes returned by the number of seats. Having done this, the Registrar-General would list the names of those 'candidates whose names stand first on a number of voting-papers equal to or exceeding the 'quota''.³¹¹ The candidates on such list were thus returned to parliament. No more than the 'quota' could be used for the return of any candidate except in the case of plumpers, that is votes cast for only one candidate. 4) When the number of candidates whose names stand first was not enough to complete the parliament, the Registrar-General listed the candidates whose names appeared either first or second in the remaining voting-papers a number of times equal to or exceeding the 'quota'.

³⁰⁷ See *ibid.*, p. 4.

³⁰⁸ See Fawcett, H. *Mr. Hare's Reform Bill: Simplified and Explained*, (London, 1860), p. 5.

³⁰⁹ See *ibid.*

³¹⁰ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 454.

The candidates included in this list were returned as members of parliament. As in the previous stage, the voting papers that contained fewest names were those which were to be appropriated to the return of the candidates that equalled or exceeded the 'quota'. The Registrar-General would repeat this procedure as many times as was necessary until the parliament was filled.³¹²

Mill adopted Hare's system of proportional representation on the grounds that it would involve people in the political process and favour talented candidates. Mill also expressed agreement with Hare's other convictions, such as non-payment of MPs thereby preventing people of the lowest class from devoting themselves to public affairs for merely pecuniary reasons; condemnation of the exclusion of women from the suffrage, because such an exclusion was not rationally justifiable; and diminution of the heavy burden of preliminary payments in order to facilitate the participation of candidates in elections.³¹³ But what was of the utmost importance for Mill was that Hare's system was able to bolster the educational dimension of the political process by bringing together inferior and superior intellects. This contact between inferior and superior intellects caused society to improve, but it needed to be engineered because it was not something that naturally occurred. For Mill, the absence of contact between inferior and superior intellects contributed more than anything else to keeping the generality of mankind in contented ignorance.³¹⁴

³¹¹ H. Fawcett, *Mr. Hare's Reform Bill: Simplified and Explained*, p. 6-7.

³¹² See *ibid.*, p. 18.

³¹³ See J.S. Mill, *Recent Writers On Reform*, (CW), XIX, pp. 367-70.

³¹⁴ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 539.

In *Considerations on Representative Government*, Mill argued that the inadequacy of the mental qualifications of officials was one of the dangers of representative government.³¹⁵ He advocated changes in the voting process because it was the means by which representatives were chosen and political leadership created. Hare's institutional prescriptions were vital, in Mill's opinion, because they improved the voting process by creating electoral possibilities for voters whose votes would always be outnumbered locally.³¹⁶ For Mill, in allowing electors from various constituencies to combine in order to return representatives, Hare's scheme would make proportional representation viable and improve the quality of politics by permitting the presence in parliament of the educated minority who would otherwise be suffocated by local prejudices.³¹⁷ Under Hare's system, majorities would certainly prevail over minorities. However, Mill expected that the presence 'of truth and reason in parliament', that is the presence of an educated minority, would counterbalance the strength of the majority. Mill thought that if Hare's system were implemented, the majority would remain the strongest power in parliament, but would be prevented from being the sole one. Mill saw Hare's single transferable vote as a more appropriate model than plural voting, but the reasoning he used to support both was essentially the same: to reconcile participation with intellectual excellence and accountability. Mill admitted that, if Hare's system were implemented, he would have considered the possibility of supporting equal and universal suffrage.³¹⁸ Mill concluded that the implementation of Hare's system would remove the final barrier to the enfranchisement of the working classes. Kern argues that such a conclusion was at odds with Hare's

³¹⁵ See *ibid.*, p. 436.

³¹⁶ See *ibid.*, p. 477.

³¹⁷ See *ibid.*, p. 455.

³¹⁸ See *ibid.*, p. 477.

motivation to implement a new voting process.³¹⁹ In Kern's view, Hare lacked enthusiasm for a larger suffrage, and his plan for proportional representation was an attempt to keep elitist rule in Britain.³²⁰ Kern argues that Hare proposed the changes he did in order to retain the status quo, and that Mill merely drew a democratic conclusion from a proposal that was not democratic in itself. In order to assess Kern's claims, it is apposite to note that, just as Hare was not completely averse to the extension of the suffrage, Mill was not entirely supportive of equal voting. Hare would have liked to have seen the working classes properly represented in parliament, and was aware of the fact that support for the extension of the suffrage was increasing. He did not oppose such an extension, and stressed that his system was flexible enough to accommodate it.³²¹ It is true that Hare was not a full-blooded democrat because he doubted the capabilities of the less instructed to choose their leaders under the then existing electoral system. But neither was Mill. He feared public opinion, which he regarded as being dominated by a commercial spirit and prone to disrespect minorities. Mill would have excluded from the suffrage those who paid no tax, received public money for the relief of poverty, or had been convicted of a criminal offence. More than that, he did not see equal voting as something that was intrinsically good:

I do not look upon equal voting as among the things which are good in themselves, provided they can be guarded against inconveniences. I look upon it as only relatively good; less objectionable than inequality of privilege grounded on

³¹⁹ See P.B. Kern, 'Universal Suffrage Without Democracy: Thomas Hare and John Stuart Mill', *Review of Politics*, 34 (1972), pp.173-4.

³²⁰ See *ibid.*, p. 176.

³²¹ See H. Fawcett, *Mr. Hare's Reform Bill: Simplified and Explained*, p. 22.

irrelevant or adventitious circumstances, but in principle wrong, because recognising a wrong standard, and exercising a bad influence on the voter's mind.³²²

The democratic conclusion Mill reached is not at loggerheads with Hare's conclusions, as Kern suggests. But Kern is to an extent correct in saying that Mill and Hare saw elections as decision-making procedures rather than as a means of self-protection. They both recognised that elections were related to both decision-making and self-protection, but they were so focused on improving the quality of political leadership that they gave greater emphasis to elections as decision-making procedures. Mill assumed that Hare's system would improve the quality of the representative body by bringing inferior minds into contact with superior ones. There is, nonetheless, an unjustified optimism about the creation of the national constituency. The idea that this would benefit the instructed man who would otherwise be stultified by the narrow-mindedness of local interests is flawed. Mill failed to see that, once the constituency was enlarged, the operation of political forces would be re-framed. This sort of change would lead those with the economic means to organize campaigns on a larger scale to benefit from the situation. It is difficult to overcome the influence of economic power where many live at or near subsistence level.

Mill recognised a problem in the mechanics of voting proposed by Hare, but he did not give it the attention it deserved. He knew that, according to Hare's scheme, the 'quota' was established by dividing the number of valid votes by the number of seats, and that every candidate who got that quota would be returned.³²³ He was also aware that votes could be

³²² J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 478.

³²³ See *ibid.*, p. 453.

counted only for one candidate, and that people could indicate further preferences on their ballot paper. If an elector delivered a voting paper containing other names in addition to the one which stood foremost in his preference, he might have his first-choice candidate returned in the first listing because that candidate had received a number of votes equal or exceeding the 'quota'. It is also possible that, although receiving less votes than the 'quota' on the first count, his candidate would nonetheless be returned because his name appeared in the redistributed voting-papers, either in second or third place, a number of times equal to or exceeding the 'quota'. In *Recent Writers on Reform*, Mill recognised that Hare's system needed to be more precise in relation to the way in which it was determined which votes should be redistributed where candidates had exceeded the 'quota'.³²⁴ In *Considerations on Representative Government*, Mill recognised that 'to determine which of a candidate's votes should be used for his return, and which set free for others, several methods had been proposed, into which we shall not here enter'.³²⁵ Mill never really addressed this problematic aspect of Hare's system. He simply stated that no serious objection could be made to the method. But in this he was wrong, because problems could have emerged from the application of Hare's system. It is important to reflect upon two problematic situations. First, let it be supposed that in an election in which the quota is 2,000 votes, candidate A, who receives 8,000 first-preference votes, must choose 2,000 votes out of the total to be counted in his favour. Depending on which 2,000 votes are chosen out of the total to complete the 'quota', different sets of second or third preferences will appear in the remaining 6,000 votes. Let it be assumed that, amongst the 8,000 votes in which candidate A is the first preference, 4,000 contain two names, 3,000 contain three

³²⁴ See J.S. Mill, *Recent Writers on Reform*, (CW), XIX, p. 361.

³²⁵ J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 454.

names, and 1,000 contain four names. The votes appropriated to A's return will be taken from the 4,000, because they are the ones with fewest preferences. But, as the quota is 2,000, there is no clear provision in Hare's system to determine exactly which set of 2,000 votes should be counted out of the 4,000 in question. Second, let it be assumed that, in the same election, 400,000 electors vote to return 200 candidates. Suppose that 20 candidates receive between 6,400 and 7,700 single-preference votes, amounting to a total of 135,145. In this case, the 135,145 must be counted only in favour of the 20 candidates in question, because the system allows candidates to be returned with more votes than the 'quota' when these votes are single preference votes. This means that there will not be enough votes available to allow a sufficient number of candidates to reach the 'quota' and thereby fill all the available seats: 264,855 votes are not sufficient to fill the 180 remaining seats in parliament, presuming that each candidate should receive the 'quota' of 2,000 votes. These problematic, and entirely probable, situations are not provided for in Hare's system. But the impropriety of the system is not limited to its lack of provision for these situations. To follow the determination of elections in this system, people must be able to deal with a long list of candidates and a complex process of counting. This means that the system would not be intelligible for most people, and, therefore, unable to generate the educational benefits it aspires to. It is also worth considering that the fewer people who understand the process, the fewer people are able to supervise it.

Mill incorporated various aspects of Hare's scheme in a proposed Reform Bill. The Bill was met with a cold reception and he was forced to withdraw it. There is no doubt that Hare's notion of personal representation dovetailed with Mill's idea of promoting independent thinking and action. But Mill had not been involved with the practical aspects

of electoral politics for many years, and he was not trained in the intricacies of electoral procedure. Hart is thus correct in saying that Mill was overly impressed by Hare's mastery of the art of devising institutions.³²⁶ Mill's backing of Hare's scheme was very enthusiastic. Even people sympathetic to the system argued that it needed modifying in order to make it feasible. But Mill kept on defending the system until the end of his life, without advocating any specific improvements.³²⁷

Mill's understanding of the relationship between public opinion and rulers represents, to an extent, a deviation from his Benthamite inheritance. In Bentham's view, rulers were always a class potentially at odds with the people whom they were meant to represent. He argued that the political power of rulers should be counterbalanced by institutions familiar to the classical democratic tradition, such as universal suffrage, majority rule and the secret ballot.³²⁸ Bentham's political theory was founded on the idea that society was divided into two main groups: 'the ruling few' and 'the subject many'. The former was the power-holding class who had the means to corrupt others, and the latter was the group that did not have such means, but was nonetheless morally and intellectually capable of choosing its representatives and exercising control over its rulers. Bentham drew attention to the Public Opinion Tribunal as a body which applied a moral sanction to subjects and rulers: 'at one point he spoke of the Public Opinion Tribunal in terms of a jury; at another, of public opinion itself as a system of law superior to the Common Law'.³²⁹ The Public Opinion Tribunal was a social force that promoted the public interest against sinister interests.

³²⁶ See J. Hart, *Proportional Representation: Critics of the British Electoral System 1820-1945*, p. 53.

³²⁷ See *ibid.*, p. 45.

³²⁸ See F. Rosen, *Jeremy Bentham and Representative Democracy: A Study of the Constitutional Code*, (Oxford: Clarendon Press, 1983), p. 13.

Bentham did not equate the Public Opinion Tribunal with the opinion of 'the subject many'. However, there is no doubt that he used it to provide security against the abuse of power by the 'ruling few'. Bentham granted the electorate the power to remove representatives and civil servants in order to keep the ruling few accountable. Both Bentham and Mill favoured publicity and accountability. But while Bentham's main concern was to provide securities against the propensity of the economic and political elite (the ruling few) to corrupt, Mill focused on preventing the majority from threatening diversity and individuality. This was a consequence of Mill's sociology, according to which the ascendancy of the middle classes and of the commercial spirit was destroying the ties of tradition and establishing the majority as the final authority to be resorted to by everyone. In Mill's view, mediocrity was a necessary consequence of the process of standardization that was operating in the nineteenth-century, and public opinion was its main organ. Mill's support of Hare's system of representation was intended to allow the clerisy, the intellectual elite, to enlighten the majority and render it accountable. Mill saw public opinion, which Bentham regarded as the main remedy for the infirmities of the political system, as the main source of its problems. Mill's intellectual elite was designed to check the majority within parliament. He assumed that such an elite had the capacity to make the majority aware of its own limits and to convince people that they needed to follow the right path without being coerced into doing so. For Mill, Hare's system was superior to plural voting because it allowed the participation of an educated minority in parliament, without the necessity of allocating different number of votes, but he never said that the two devices were incompatible.

³²⁹ Ibid., p. 28.

3.4. MILL'S DEMOCRATIC IDEALS AND INSTITUTIONS

Mill thought that the building up and the reform of institutions were processes essential to social life. He stated in *Considerations on Representative Government* that institutions needed to be reformed because society was not an entity that had inbuilt mechanisms which would produce self-enhancement.³³⁰ Its improvement depended on individual and collective efforts to create an institutional framework that promoted liberty and diversity, and this was possible only in societies where people were willing to obey the law and help with its enforcement. According to Mill, a democratic regime could not operate in a society where people refused to leave the avenging of their wrongs to the judicial system and regarded law as something designed to undermine their interests.³³¹ Mill claimed that representative democracy was viable in Britain because the British people regarded the law as something that promoted their interests and should be respected. For him, the main difference between the situation of members of uncivilized societies and uninstructed members of civilized ones was that the latter were involved in a socio-political dynamic that could educate them. By participating in voluntary associations, juries, trade unions, and local government, they could become part of the national government. Believing that societies could not flourish if they were misgoverned, Mill ascribed particular importance to the organization of national government.³³² His conception of democracy entailed a dispersion of the power of the majority by the establishment of a system of checks to counter the 'winner-takes-all' political system that left the educated minority unprotected.³³³ Preventing the concentration

³³⁰ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, pp. 375-6.

³³¹ See *ibid.*, p. 377.

³³² See J.S. Mill, *Journal and Debating Speeches*, (CW), XXVI, p. 259.

³³³ See J.R. Pennock *Democratic Political theory*, pp. 126-7.

of power was important because it caused governments to be unaccountable.³³⁴ Mill's advocacy of plural voting and Hare's system were, therefore, intended to scatter power by establishing 'the competent, educated minority as a counterforce (however limited) to the ascendancy of the majority in a democratic society'.³³⁵ It is important to investigate whether Mill failed to translate his conception of democracy into electoral institutions because of a lack of expertise in dealing with institutional mechanics, or whether his conception of democracy itself is intrinsically problematic. Mill's democratic credentials are in doubt not only because he advocated plural voting, but also because he defended the creation of a Commission of Legislation with exclusive authority to draft bills. Its members were to be appointed by the Prime Minister for a fixed, but renewable, term. He believed that the business of legislation should be performed by trained minds capable of framing the provisions of a law 'with the most accurate and long-sighted perception of its effect on all other provisions'.³³⁶ The Commission of Legislation could not enact laws, but could reject them if they were incompatible with other existing legislative provisions. Some critics think that this Commission would have unduly shifted power from elected representatives to a body of experts not chosen by the people.³³⁷ For these critics, Mill raised the counteracting of incompetence, both at administrative and political levels, into the most important aspect of representative democracy, and disregarded the importance of participation and equality.³³⁸ They argue that Mill developed an elitist account of administration and political representation which is, ultimately, based on his belief that

³³⁴ See L. Guinier, *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*, (New York: The Free Press, 1994), pp. 3, 8.

³³⁵ T. Fuller, 'John Stuart Mill and The Transformation of Politics in Representative Government, Utilitarianism and On Liberty', p. 197.

³³⁶ J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 428.

³³⁷ See A.S. Kahan, *Aristocratic Liberalism: The Social and Political Thought of Jacob Burckhardt, John Stuart Mill and Alexis de Tocqueville*, (Oxford: Oxford University Press, 1992).

there were two kinds of man who were qualitatively different: the active man who devoted great energy to the general well-being, but refused to follow the standards prevailing in society, and the passive man who was devoted to living in security and to adjusting himself to the values accepted in society.³³⁹ Inspired by Humboldt, Mill identified the active man as the one who aimed at the highest development of his intellectual powers.³⁴⁰ The active character was also the one who exercised his power of detachment from existing values in order to generate his personal conception of the good, and because of this constituted the heroic model who was the subject of emulation for the passive man.³⁴¹

In order to understand the role of intellectual excellence in Mill's conception of democracy, especially as it was presented in *Considerations on Representative Government*, one should take into account the debate on intellectual authority which occurred around the time of the Reform Act of 1867, which enfranchised a significant number of the urban working classes.³⁴² Matthew Arnold was the thinker most preoccupied with the question of intellectual authority during the Victorian period. Arnold criticised the philistinism of the English middle classes in his most celebrated work, *Culture and Anarchy* (1867). He equated democracy with the primacy of the animal instincts, and defended the need to promote a culture of the spirit in order to counterbalance the powerful influence of the brutality of the democratic spirit. For Arnold, the superiority of French prose was due to the existence of the recognised authority of the French Academy, which was responsible for defining intellectual standards. Walter Bagehot, in *The English Constitution* (1867),

³³⁸ See D. Thompson, *J.S. Mill and Representative Government*, p. 55.

³³⁹ See T. Fuller, 'John Stuart Mill and The Transformation of Politics in Representative Government, Utilitarianism and On Liberty', p. 244.

³⁴⁰ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 261.

criticized Arnold on the grounds that a centralised intellectual authority would tend to stultify intellectual growth and suppress diversity. For Bagehot, the harmonious world that Arnold intended to create was not one that promoted improvement. Discussion and debate were the defining characteristics of modernity and the pre-requisites of progress. In fact, Mill, like Bagehot, opposed the idea of a centralised intellectual authority. Mill would have rejected any attempt to allow the state to control public debate. He opposed Comte's *Système de Politique Positive* because it suggested that an organised 'body of teachers' should exert an all-encompassing spiritual power over society. Mill regarded this as a form of despotism that neglected the role of liberty in the development of the community.³⁴³ It is interesting to note that James Fitzjames Stephen criticised Mill in *Liberty, Equality, Fraternity* (1873) for neglecting the role of coercion in social life, and for encouraging individuality and eccentricity in a way that risked undermining society.³⁴⁴ For Stephen, Mill failed to recognise that the 'wise minority' were the rightful masters of the 'ignorant and foolish majority', whose character could not be improved. Stephen advocated elitism from a utilitarian perspective, because he presumed that coercion over the uninstructed masses would maximise the general happiness.³⁴⁵ In view of all this, one can observe that, if some see elitism in Mill's political philosophy, others think he is opposed to the view that the 'wise minority' should rule the uneducated majority. What is clear is that, in the context of the Victorian debate on intellectual authority, he was on the side of those who promoted diversity and opposed centralized intellectual authority.

³⁴¹ See *ibid.*, p. 262-63.

³⁴² See H.S. Jones, *Victorian Political Thought*, (Hong Kong: Macmillan, 2000), p. 64.

³⁴³ See J.S. Mill, *Autobiography and Literary Essays*, (CW), I, pp. 220-21.

³⁴⁴ See J.F. Stephen, *Liberty, Equality, Fraternity*, (Chicago: University of Chicago Press, 1990), pp. 66-9.

Mill lacked confidence in the average man of democratic society, but rejected the conventional nineteenth-century view that aristocracies were superior to democracies in high mental qualifications. He saw aristocratic governments as inclined to assume unjust privileges, benefit the pockets of their members, foment dissensions among others to remain in power, and work to keep common citizens at a low level of intelligence.³⁴⁶ Mill stressed the fact that aristocracies that had shown high governing capabilities were, without exception, aristocracies of public functionaries trained in the affairs of the state and having public business as their profession. These professionals had their destinies bound up with the destiny of the commonwealth, a situation which forced them to perform as well as they could.

For Mill, Rome and Venice were the only examples of aristocracies governed with vigorous mental ability for many generations. Mill was extremely critical of the quality of the aristocratic governments of nineteenth-century Europe: 'a great minister, in the aristocratic governments of modern Europe, is almost as rare a phenomenon as a great king'.³⁴⁷ This lack of confidence in aristocracies explains to an extent why he did not propose that the House of Lords should be seen as the main instrument for tempering the ascendancy of the majority of the lower House. For him, a second chamber should be tolerated only where strong historic antecedents made people more willing to allow it to moderate the ascendancy of democracy. Where these historic antecedents did not exist, a second chamber

³⁴⁵ See K.C. O'Rourke, 'John Stuart Mill and Freedom of Expression: The Genesis of a Theory', (London: Ph.D, 1999), pp. 173-87.

³⁴⁶ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 441.

³⁴⁷ Ibid., p. 448.

was not 'required for this purpose, and would not contribute to it, but might even, in some conceivable modes, impede its attainment'.³⁴⁸

On the one hand, Mill did not presume that the man-in-the-street, if not deceived by sectional interests, would automatically aspire to promote the common good. This is a conviction that can be properly ascribed to Rousseau.³⁴⁹ On the other hand, he nurtured optimism in the power of education to improve the intellectual standards of the masses.³⁵⁰ He saw education as essential to the improvement of society, but emphasized the necessity of avoiding uniformity in the educational process. For Mill, education comprised formal schooling, as well as a number of other types of social interaction which could contribute to the generation of active characters and be a source of renewal for society. Education had a necessary civic component because people understood the advantages of co-operation only when they exchanged experiences in the public sphere.³⁵¹ This was why, in *On Liberty*, *Considerations on Representative Government* and *Utilitarianism*, Mill associated education with diversity and openness to public concerns.³⁵² He was not a full-fledged participatory democrat, but he argued that people should be educated and should increasingly participate in the political process. He cannot, therefore, be simply labelled as an elitist. There are, nonetheless, some unrealistic assumptions in his account of the relationship between education and the political process. Mill's portrayal of the educated few as persons freed from the influence of the crass materialism of the commercial spirit

³⁴⁸ J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 516.

³⁴⁹ See A. Hacker, *Political Theory: Philosophy, Ideology, Science*, (New York: The Macmillan Company, 1961), p. 336.

³⁵⁰ See J.S. Mill, *Journal and Debating Speeches*, (CW), XXVI, p. 260.

³⁵¹ See D. Thompson, *J.S. Mill and Representative Government*, p. 16.

³⁵² See J.S. Mill, *On Liberty*, (CW), XVIII, p. 305; *Considerations on Representative Government*, (CW), XIX, p. 403; *Utilitarianism*, (CW), X, p. 218.

and altruistically engaged in politics was founded on the dubious notion that educational qualification led inevitably to public spiritedness. His assumption that the educated few formed a homogeneous group was similarly inaccurate. The results of the general election of 1868, the first after the Second Reform Act, showed that voting patterns did not follow strict class, educational, or denominational lines.³⁵³ It is more likely that, had the educated minority obtained a reasonable number of seats in parliament, the individuals which composed it would have had different opinions about some issues and, in some circumstances, been motivated by egoism. Mill also failed to perceive that the educated few might themselves have benefited from the contribution of the other members of parliament, because ordinary men might also have enriched parliament with their knowledge and experience. The educated few are not platonic guardians who are fit to rule society because they know the supreme patterns of reality and others do not.³⁵⁴ Besides, each legislature addresses a different set of problems, and it is not possible to pre-determine with precision what kind of knowledge will be required to deal with them. Mill did not offer an accurate picture of reality in supposing that the political process was a school in which the educated few were teachers and the others were pupils.³⁵⁵

Disraeli observed that Mill was incoherent when he defended, on the one hand, devices to restrict the participation of workers in the political process, in *Considerations on Representative Government*; and, on the other hand, backed proposals to extend the franchise. Disraeli's comments, politically motivated as they might have been, highlight the difficulties on rendering Mill's restrictions to participation, exposed in *Considerations on*

³⁵³ See A. Hawkins, *British Party Politics 1852-1886*, p. 134.

³⁵⁴ See Plato, *The Republic*, 484c-d and 561c.

Representative Government, compatible with other aspects of Mill's account of democracy. In other words, Mill argued that societies could not improve under the control of a centralized intellectual authority, but rather by means of discussion and debate, that central government should allow communities to run local government, and that people could be educated and participate in the political process. Yet, despite all this, in *Considerations on Representative Government*, Mill allowed only a limited scope for citizens' involvement in politics.³⁵⁶ Political theorists have difficulty in understanding *Considerations on Representative Government* because the account of institutions that it contains is not placed in the broader context of Mill's reformism. From the mid-1850s onwards, Mill realized that institutional reform would not lead to genuine amelioration in society unless it was accompanied by enhancements in the intellectual and moral state of human beings.³⁵⁷ For this reason, fundamental institutional improvements had to be accompanied by changes in the beliefs and values that shaped society, because 'it is what men think, that determines how they act'.³⁵⁸ Attempts to make wide-ranging changes in institutions would fail if they were based on values and beliefs which were not strongly embedded in the political culture of society. Mill was not mainly concerned with the technical aspects of legislation when he advocated a Commission of Legislation to examine if proposed legislation was compatible with existing legal provisions. Rather, his concern was to prevent sweeping changes in legislation caused by the political power of the masses, who he presumed would soon be much more influential in parliament. His conviction that changes in social structures must be paralleled by changes in mentality also influenced his support for plural voting and for

³⁵⁵ See J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 539.

³⁵⁶ See D. Thompson, *John Stuart Mill and Representative Government*, pp. 179-180.

³⁵⁷ See J. Hamburger, *John Stuart Mill on Liberty and Control*, (Princeton: Princeton University Press, 1999), pp. 18-9.

Hare's system. Mill was not against comprehensive institutional and social reforms in themselves, but he believed that unrealistic efforts to implement them rapidly produced bad consequences. From the early 1860s, Mill increasingly accepted that, in societies where representative democracy was possible, gradual reforms were more appropriate than revolutionary ones, because they could be achieved by means of rational debate and in a pacific manner. In this period, Mill moderated his support for socialism and, based on his reflections on the Revolution of 1848, gave more attention to the educational standards of the electorate. He heartily supported the Revolution of 1848 on the grounds that it was caused by the French authorities when they maliciously revived a decree passed in the period of the Revolution of 1789 to prohibit reform banquets - peaceful demonstrations in which people gathered for a meal and to discuss topics of public interest.³⁵⁹ Nonetheless, in *Considerations on Representative Government*, he assumed that the re-establishment of the republic with the Constitution of 4 November 1848, which extended the suffrage to the entire male population, facilitated the ascendancy of Louis-Napoleon, who won the presidential election of December 1848 with 74.2% of the votes and instigated a *coup d'état* on 2 December 1851.³⁶⁰ For Mill, these events showed that the progressive extension of the suffrage, combined with the improvement of educational standards, would have served the cause of the republic better than the immediate extension of the suffrage. The rationale of Mill's account of the Revolution of 1848 helps explain his electoral proposals in the 1860s and, particularly, his support for the Reform Act of 1867. This piece of legislation significantly extended the franchise. It increased the number of voters in the counties by 45% and in the boroughs by 135%, increasing the electorate in the UK from

³⁵⁸ J.S. Mill, *Considerations on Representative Government*, (CW), XIX, p. 382.

³⁵⁹ See J.S. Mill, *Vindication of The French Revolution of February 1848*, (CW), XX, p. 330.

about 1,400,000 to about 2,600,000.³⁶¹ Mill's electoral proposals reflected his fear of possible societal deterioration due to attempts to implement all-encompassing, but unfeasible, changes in political institutions. He argued, however, that the renewal of education and the continuous exercise of freedom could create the conditions in which progressive changes in institutions could safely take place. Mill supported the Reform Act of 1867 because he saw it as a change that could be assimilated by society and would boost people's participation in politics. Despite being introduced and passed by Disraeli who was a Conservative, the Second Reform Act was in accord with the sort of gradual reformism Mill advocated during the 1860s. Disraeli was able to get the measure through parliament because he was flexible in allowing amendments to it, and astute in exploiting dissensions amongst the Liberals. He criticised Mill for incoherence, but he himself had been inconsistent in rejecting a less ambitious parliamentary reform bill proposed by Gladstone in March 1866, saying that its approval would cause the aristocracy to lose their natural leadership of the country.³⁶² On that occasion, he was helped by the Liberal Robert Lowe, who argued that democracy would inevitably bring vulgar demagogues to power and result in a selfish and inefficient government such as those in France, Australia, and America.³⁶³ The Second Reform Act significantly extended the franchise, but it cannot be seen as a revolutionary proposal because it left about two thirds of the male population unenfranchised. The newly enfranchised were primarily skilled workers in urban areas, whereas Mill feared the enfranchisement of unskilled workers, and workers in rural areas, who were largely illiterate. He believed that risks to society came not only from attempts to

³⁶⁰ See S. Gemie, *French Revolutions, 1815-1914*, (Edinburgh: Edinburgh University Press, 1999), p. 143-44.

³⁶¹ See D.G. Wright, *Democracy and Reform 1815-1885*, (London: Longman, 1970), p. 81.

³⁶² See D. Murphy, R. Staton, P. Walsh-Atkins, N. Whiskerd, *Britain 1815-1918*, (London: HarperCollins Publishers, 1999), p. 158.

implement unfeasible reforms, but also from attempts to impede feasible ones. On 6 May 1867, in order to prevent violence, Mill convinced the leaders of the working classes to transfer a meeting scheduled to be held at Hyde Park to another place. He argued that the government was making military preparations to prevent the meeting, and that a confrontation with the government could only be justified in a situation in which revolution was desirable, but that such was not then the case.³⁶⁴ He certainly did not see the Hyde Park riots and the other agitations which occurred in the late 1860s as immediate revolutionary threats to British society. Nonetheless, it was clear to Mill that revolutionary ideals were making inroads in British society, and that wise institutional reforms were necessary to improve society and render revolution unnecessary. The evolution of Mill's ideas on political economy in general, and on socialism in particular, show that during the 1860s he was particularly concerned with the diffusion of revolutionary ideals which he associated with forms of socialism incompatible with freedom. In *Considerations on Representative Government*, he did not address the debate between those who favoured reform and those who favoured revolution, because his focus there was on political institutions. However, there is no reason to think that he disregarded his broader vision of the socio-historic context in his account of political institutions. In Mill's thought, issues related to professional administration, participation, and accountability were also related to social justice and freedom. Mill perceived that, in order to contribute to the enhancement of society, institutional changes must be grounded on a balanced consideration of all these issues. An isolated promotion of social justice could, for example, be detrimental to freedom, and vice versa. The suitability of proposed changes was to be measured by their

³⁶³ See D.G. Wright, *Democracy and Reform 1815-1885*, pp. 69-70.

³⁶⁴ See J.S. Mill, *Autobiography*, (CW), I, p. 278.

capacity to improve society without compromising previous achievements. Mill's thirty-years' experience as an imperial administrator had shown him that, in order to be successful, reforms must introduce new elements capable of overcoming the stagnant routine of existing institutions and, at the same time, conserve practices and values, either because they were essential to the well-being of society or because their alteration could produce turmoil.³⁶⁵

From what has been said so far, it can be seen that, fearing revolutionary threats and incompetent leadership, Mill proposed cautious reforms in political institutions. Thus, in *Considerations on Representative Government*, he offered moderate scope for the participation of citizens in politics, not due to elitism on his part, but because he intended to promote the creation of a cultural atmosphere capable of buttressing bolder institutional changes before they could be implemented effectively. Mill's defence of a moderate participatory democracy reflected his intention to create a balance of power in society, and not the rigid view that the 'active character' and the 'wise minority' were superior to the common man and, therefore, should reign over society. Mill was not an anti-democrat, but his conception of democracy failed to take into account the possibility of a minority tyrannising over the majority. He should have considered the fact that the masses, though growing stronger, were not the dominant power in society, so that the possibility of their being oppressed was a real one. Mill devised an electoral framework to allow the autonomous individual described in *On Liberty* to perform the role of enlightening the masses. But he overestimated both the role that an individual detached from the prevailing

³⁶⁵ See L. Zastoupil, 'J.S. Mill and India', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iii. 429.

values in society could perform in the public sphere, and the risk of a tyranny of the masses. In addition to this, he prescribed institutions at odds with his paramount intention of promoting accountability.

3.5. CONCLUSION

Mill regarded plural voting and Hare's system of proportional representation as instruments to facilitate the election of educated MPs, whom he expected to enlighten parliamentary debate and check the ascendancy of the majority. If the model of plural voting he proposed had been implemented, it would have generated resentment and alienated people from the political process. Besides, the criterion by which votes were to be assigned was based on a confusion between technical expertise and political knowledge. The latter cannot be measured in terms of university degrees and membership of learned societies. Mill failed to realise that the system of representation that Hare proposed was not suitable for promoting accountability, because it involved complex practical operations that people in general would not be able to understand. There is no doubt that Mill believed that the main threat to society came from the masses whose main organ was public opinion. Despite this, he asserted that education and participation in non-electoral institutions could raise the standard of the masses, and prepare them for the electoral process. His proposals were not consistent with his democratic ideals because they compromised accountability and participation. But Mill was committed to democracy and intended to design political institutions that could prevent tyranny by creating a balance of power in society, and promoted increased participation of the people in politics. Fearing the possibility of revolutionary changes, he advocated a gradual extension of the franchise, while education

and free debate prepared people for full participation in political life. The weakest point of Mill's conception of democracy is that it failed to take into account the possibility of the minority tyrannising over the majority. The other errors are mainly the consequence of his failure to develop a coherent institutional framework to put his gradualist conception of reform into practice. But, in the end, Mill made a significant contribution to political theory because he understood that democracy requires a balance of power, without which accountability is an empty word, and a political culture capable of encouraging participation, professional administration, and education.

CHAPTER 4

WOMEN'S ENFRANCHISEMENT AND ACCOUNTABILITY

4.1. INTRODUCTION

In this chapter, it will be shown that accountability is a central concern of Mill's views on women's issues. Believing that people must be held accountable for the consequences of their acts, Mill argued in favour of the recognition of the legal and moral personhood of women. He judged it essential both to make government accountable to women, and to make women accountable before society for their choices and opinions on public matters. It will be argued that Mill saw the enfranchisement of women as an instrument for the creation of an environment where they would be respected and for converting the family into the main locus of education for citizenship. It will be contended that Mill claimed that acknowledging men and women as partakers of a common dignity was vital in bolstering cooperation in modern societies which required increasing interdependency among their members.

The second section will show that accountability was a concern present in Mill's account of women's issues from the early 1830s, and that accountability was closely associated with

Mill's conception of autonomy. The central line of argument of Mill's main texts on the topic, and of Harriet Taylor's *Enfranchisement of Women*, will be explored. Special attention will be paid to *Subjection of Women* because it developed the arguments of Mill's earlier texts and located them within a more comprehensive philosophical framework. It will be shown that, for Mill, women's enfranchisement would produce major positive changes in the socio-political culture of modern societies.

The third section will describe the main arguments of some of the most important contemporary commentators on Mill's account of women's issues, and show how these commentators related these issues to other aspects of his political philosophy. At the heart of this section are the following questions: 1) Did Mill advocate women's enfranchisement only to remove legal disabilities, or did he see it as a means of bringing about wider socio-cultural changes? 2) Did he think the differences between men and women were caused by culture rather than by nature? 3) Did he favour the idea that the marriage contract should be grounded on partnership? Special attention will be paid to Susan Mendus' contribution to this topic because she argues that Mill's account of women's issues dovetails with his praise of diversity and his intention of making government accountable to the people. This section will provide a theoretical basis for the critical work to be undertaken in the fourth section.

The fourth section will evaluate the arguments of the commentators described in the third section in the light of the re-construction of Mill's thought made in the second section. This fourth section will demonstrate that most commentators have failed to situate Mill's views on women's issues in the broader context of his thought, and relate them to his theory of

history. This has not prevented commentators from grasping certain elements of Mill's account. However, it will be argued that most of them fail to recognise the extent to which Mill's concern with accountability influenced his account of women's enfranchisement, and fail to perceive that he promoted the recognition of women's legal personhood because this would allow them to participate in the public sphere, develop their sense of responsibility, and increase co-operation amongst all members of society.

The fifth section will argue that Mill believed that the regeneration of society depended to a significant extent on the recognition of women as autonomous human beings. He regarded this recognition as a matter of justice, in that the existing system treated women as inferior by disregarding their capabilities and leaving them unprotected in the domestic realm. Mill wanted to transform marriage into a relationship between equals, on the grounds that this would convert families into schools of co-operation and friendship. It will be further argued that Mill's attempt to create a socio-political framework that enabled women to have a voice in public matters, and to make them responsible for their own choices before society, was attuned to his political philosophy, which attempted to render all citizens who acted in the public sphere accountable for their choices.

4.2. MILL ON WOMEN'S ISSUES

As early as the 1820s, Mill dissented from his father's belief, expressed in *Essay on Government*, 'that women might without compromising good government be excluded

from the suffrage because their interest is the same with that of men'.³⁶⁶ Mill saw this as being as great an error as the idea that the interest of subjects was represented in that of kings.³⁶⁷ In the late 1820s, Mill was influenced by the Saint-Simonians who favoured a new social scheme that classed people according to their capacities, remunerated them according to their works, and altered family relations so as to establish perfect equality between men and women.³⁶⁸ He extolled the Saint-Simonians' courage for proposing alterations in marriage relations in a period in which reformers tended to shy away from this question.³⁶⁹

In the early 1830s, Mill started his intellectual relationship with Harriet Taylor, whose ideas on issues related to women and socialism increasingly came to influence his political thought. In this period, he wrote an essay, entitled by his editors *On Marriage* (1832-33?), in which he criticised the law of marriage, arguing that it reinforced the social practice of educating women to depend on men. It presumed that if women were not married, they had no useful office to fulfil in the world.³⁷⁰ Mill challenged the view that, in marriage, women were primarily seeking a home, because he saw no reason other than love for two persons to associate their existences. In his opinion, women realised that their power over men derived mostly from men's sensuality, and that, unless buttressed by law and public opinion, marriages tended to be destroyed because the same sensuality which allowed them to have some control over men could lead men to a search for sexual gratification elsewhere. For Mill, the question at the root of the issue of women's emancipation was the following: was marriage a relation between equals or between a superior and an inferior?

³⁶⁶ J.S. Mill, *Autobiography*, (CW), I, p. 106.

³⁶⁷ See *ibid.*, p. 107.

³⁶⁸ See *ibid.*, p. 175.

³⁶⁹ See *ibid.*, p. 174.

He answered this question by noting that the most obvious inequality between men and women lay in bodily strength, but pointed out that even this inequality was becoming increasingly irrelevant. Most of what people deemed to be inequalities between men and women derived from an unsatisfactory process of female education, that left women either the playthings or the slaves of the men that fed them.³⁷¹ Mill accordingly argued that in order to remedy the situation, it was necessary to educate women for economic independence. Unable to gain their own livelihood, they were coerced into marriage, since otherwise their lives would be considered to be failures.³⁷² In *On Marriage*, Mill said that the prevailing system of education failed to explain to women that the essence of prostitution was the delivery up of one person for bread.³⁷³ He believed that, legally emancipated and economically independent, no woman would be married for the sake of being married, and that the continuance of marriage would be dependent upon the wishes of the contracting parties.³⁷⁴ Education for economic independence was, for Mill, an important step towards the enfranchisement of women, and became a topic of interest for him from this time. Despite this, in reviewing Samuel Bailey's *Rationale of Political Representation* (1835), he asserted that it was not a good idea to bring forward the issue of women's enfranchisement in public discussion, because there was no prospect of practical advantage.³⁷⁵ Yet, in the first half of the 1830s, Harriet Taylor produced a manuscript, similarly entitled by her editors *On Marriage* (1832-33?), in which she deplored the fact that women were educated to gain their living by getting married, advocated access to

³⁷⁰ See *ibid.*, p. 41.

³⁷¹ See *ibid.*, p. 42.

³⁷² See *ibid.*, p. 45.

³⁷³ See *ibid.*, p. 43.

³⁷⁴ See *ibid.*, p. 49.

³⁷⁵ See J.S. Mill, *Rationale of Representation*, (CW), XVIII, p. 29.

public offices for women, and suggested that the unrestricted right to divorce might be the best solution for those who suffered the evils of marriage.³⁷⁶

In the late 1840s, Mill and Harriet Taylor collaborated on five manuscripts which their editors gathered under the title *Papers on Women's Rights*. These manuscripts can be seen as the groundwork for *Enfranchisement of Women*. In *Papers on Women's Rights* the disfranchisement of women was compared to old forms of exclusion and privilege, such as serfdom, the system of castes, and slavery.³⁷⁷ Mill and Harriet Taylor also suggested that, having distinguished themselves as writers and sovereigns, women could not be said to be disqualified for functions other than those related to the family.³⁷⁸ Therefore, to exclude women from the vote equated to 'stamping on them the character of inferiority'.³⁷⁹ They shared the view that women as much as men needed to vote in order to enlarge the range of their experiences, and to protect their interests. *Papers on Women's Rights* was marked by the idea that if women were confined to the domestic sphere, they would be denied the exchange of experiences that would allow them to improve. Furthermore, Mill and Taylor agreed that the participation of women in campaigns of social relevance proved that they could contribute significantly to the public sphere.³⁸⁰

During the 1850s, Mill did not publish anything which addressed the situation of women, because he thought that his views on the issue were so 'totally opposed to the reigning

³⁷⁶ See H. Taylor, *Appendix A. On Marriage*, (CW), XXI, p. 376.

³⁷⁷ See J.S. Mill and H. Taylor, *Appendix B. Papers on Women's Rights*, (CW), XXI, p. 379.

³⁷⁸ See *ibid.*, p. 382.

³⁷⁹ *Ibid.*, p. 386.

³⁸⁰ See *ibid.*, p. 385.

notion, that it would probably be inexpedient to express all of them'.³⁸¹ But his continuing interest in the subject is evident in his correspondence.³⁸² In 1851, before marrying Harriet Taylor, Mill wrote a document in which he renounced the powers that the law conferred upon him, and authorized Taylor to retain 'in all respects whatever the same absolute freedom of action, and freedom of disposal of herself and of all that does or may at any time belong to her, as if no such marriage had taken place'.³⁸³ This document, published under the title *Statement on Marriage*, has a powerful symbolic dimension. However, from a theoretical point of view, it added nothing new to Mill's previous arguments. Harriet Taylor's *Enfranchisement of Women* (1851) was written at this time, with Mill claiming that he participated in its publication only as an amanuensis.³⁸⁴ It is, nonetheless, important to provide an exposition of the central arguments of *Enfranchisement of Women* for the following reasons. First, the essay summarizes Harriet Taylor's pivotal ideas about the social consequences of women's disfranchisement, and is a key to understanding the exchange of ideas between Harriet Taylor and Mill. It is easy to perceive the affinities between the *Enfranchisement of Women* and their joint production, *Papers on Women's Rights* (1847-50). Moreover, it influenced Mill's later publication *Subjection of Women*. Second, many commentators compare *Subjection of Women* with *Enfranchisement of Women*. Hence, it is important to grasp the central concerns in order to be able to understand and evaluate the views of these commentators. Third, the essay represents an important contribution in its own right to the debate on women's issues in nineteenth-century Britain.

³⁸¹ J.S. Mill, *Later Letters 1849-1873*, (CW), XIV, p. 49.

³⁸² See *ibid.*, pp. 63-64, 88, 103, 186.

³⁸³ J.S. Mill, *Statement On Marriage*, (CW), XXI, p. 97.

³⁸⁴ See H. Taylor, *Appendix C. Enfranchisement of Women*, (CW), XXI, p. 394.

Enfranchisement of Women purported to discuss women's 'admission, in law and in fact, to equality in all rights, political, civil, and social, with the male citizens of the community'.³⁸⁵ Harriet Taylor wanted to inform the public that there was already a movement to promote the enfranchisement of women in the United States which was not only for women but organized by them. She argued that in admitting that everyone had an inherent right to have a voice in matters of government, the democratic institutions of the United States could not consistently deny women the right to the suffrage.³⁸⁶ She did not, therefore, accept that the 'governed' referred to in the American Declaration of Independence, and 'whose consent is affirmed to be the only source of just power, are meant for that half of mankind only, who, in relation to the other, have hitherto assumed the character of governors'.³⁸⁷ She also criticised the Chartists in Britain and the democrats in Continental Europe for their exclusion of women from their campaigns for enfranchisement, despite claiming that they supported universal suffrage.³⁸⁸ In addition, Taylor disapproved of the fact that the widely accepted principle that taxation should be co-extensive with representation was disrespected in Britain, in that unmarried women who paid taxes were not enfranchised. In her view, the Chartists and those who wanted taxation to be co-extensive with representation refused to support women's enfranchisement because of their prejudice against novelty, which she presumed to be the main obstacle to the establishment of equal rights between men and women.³⁸⁹ In this sense, what were regarded as liberties had at one time been objected to on account of their novelty. Taylor saw that, due to the strong feelings associated with the topic, it would not be easy to 'throw off the old rule and receive

³⁸⁵ Ibid., p. 395.

³⁸⁶ See *ibid.*, p. 396-7.

³⁸⁷ Ibid., p. 397.

³⁸⁸ See *ibid.*

the new' in relation to the role of women in society. But she believed that equality must be pursued, because 'the division of mankind into two castes, one born to rule over the other, is a bar, almost insuperable while it lasts, to any really vital improvement'.³⁹⁰ For Harriet Taylor, the attempt to maintain that domestic life was the proper sphere of action for women was mistaken, because the proper sphere of action for any human being was the one he or she was able to attain. It was vital to allow people to exercise free choice, so that they could prove their aptitude by trial. In this case, 'employments will fall into the hands of those men or women who are found by experience to be most capable of worthily exercising them'.³⁹¹ Taylor believed that, were women allowed to enlarge their faculties through education, many of them would take up activities outside their homes. In her opinion, many women had already proved themselves fitted to the highest office of state, for instance Elizabeth I, Isabella of Castile, Maria Teresa, Catherine of Russia, Blanche, mother of Louis IX of France, and Jeanne d'Álbret, mother of Henry IV.³⁹² Taylor complained about the condition of women who were obliged to allow their husbands to rule over their familial concerns, even if their intellectual abilities were lower than those of their wives.³⁹³ She did not agree with those who opposed the participation of women in paid employment through fear of a reduction in wages, because she thought that the aggregate earning capacity of families was not likely to be diminished. When women contributed to the support of their families, they received better treatment from their husbands, and power within families was more balanced. She aimed for a society in which competition was not the general law of human life, and believed that neither the reward of labourers based on

³⁸⁹ See *ibid.*, p. 398.

³⁹⁰ *Ibid.*

³⁹¹ *Ibid.*, p. 400.

³⁹² See *ibid.*, p. 401.

the mechanism of supply and demand, nor the division of society between owners of means of production and hired labourers, would remain forever.³⁹⁴ Overall, she saw no sound argument against the enfranchisement of women and their ability to access other spheres of social life, and expressed her hope that the movement to enfranchise women that had already begun on the other side of the Atlantic would soon be initiated in Britain.³⁹⁵

Mill wrote *Subjection of Women*, a comprehensive account of women's issues, in 1861. It was not published until 1869, when Mill hoped to promote the movement in favour of women's enfranchisement which was increasing in influence and had an active member in Helen Taylor, his step-daughter.³⁹⁶ Between 1861 and 1869, Mill made a considerable effort to support causes related to women. On 20 May 1867 his proposal to amend the Reform Bill so as to extend the suffrage to women was defeated, but the 73 votes recorded in favour of the motion encouraged him to become yet more involved with the promotion of the cause. On 10 June 1868 the Married Women's Property Bill, sponsored by Mill and intended to permit married women to apply for protection of their earnings in case of desertion, passed its second reading in parliament. But *Subjection of Women* remained Mill's most important contribution on the subject of women's social and legal status.

In *Subjection of Women*, Mill argued that the then existing system of legal subordination of women was inherently wrong, and that it should be replaced by a system based on equality. He deemed this reform as essential to the improvement of mankind. In his opinion, female

³⁹³ See *ibid.*, p. 410.

³⁹⁴ See *ibid.*, p. 404.

³⁹⁵ See *ibid.*, p. 415.

³⁹⁶ See J.S. Mill, *Autobiography*, (CW), I, p. 265.

subordination was not grounded in argument but in deep-rooted feelings, so that it was not easy to oppose it: 'in every respect the burden is hard on those who attack an almost universal opinion'.³⁹⁷ Women's subordination was thus supported by the general feeling of the period, whereby people ascribed to instinct the importance that they refused to ascribe to reason. Mill admitted that he would accept that the rule of men over women was correct if different kinds of social experiments had been made, and had proved that the subjection of women was the alternative most conducive to the happiness of the community. But this conclusion would only be valid if the situation in which men were subjugated to women had also been tested. In fact, Mill believed that the system of inequality derived from the fact that in the earlier stages of human society women were found in a state of dependence to some man, due to their physical inferiority.³⁹⁸ The institutions of marriage and slavery had been established when a physical subjection had been converted into a legal one, and these in turn had gradually been transformed into milder forms of dependence. Mill claimed that practices and institutions deep-rooted in people's sentiments were generally regarded as 'natural' because 'natural' was synonymous with 'customary'. Mill referred to Aristotle as an example of someone who had contributed to the intellectual progress of humanity, but had upheld unacceptable institutions such as slavery on the grounds that they were natural.³⁹⁹ Mill assumed that women were conditioned by their education to believe that their ideal character was one of submission, and that this implied that men were the only possible source of fulfilment for them. He judged, nonetheless, that the system of inequality between men and women was at odds with modern society, where people were no longer 'chained down by an inexorable bond to the place they are born to,

³⁹⁷ J.S. Mill, *Subjection of Women*, (CW), XXI, p. 261.

³⁹⁸ See *ibid.*, p. 264.

but free to employ their faculties, and such favourable chances as offer, to achieve the lot which may appear to them the most desirable'.⁴⁰⁰ Mill presumed that the free participation of women in the sphere of political life and economic competition was necessary in order to establish what women were truly fit for - the ignorance concerning the laws of formation of character was such that it was not possible to say beforehand what the appropriate role for women in society might be.⁴⁰¹

Mill deplored the fact that the law of the strongest prevailed in the marriage contract. Once a woman married, 'she can do no act whatever but by [her husband's] permission, at least tacit. She could acquire no property but for him; the instant it becomes hers, even if by inheritance, it becomes ipso facto his'.⁴⁰² Besides, a woman's authority over her children was a delegation from the power of her husband who had legal rights over them and, 'if she leaves her husband, she can take nothing with her, neither her children nor anything which is rightfully her own'.⁴⁰³ The marriage contract granted absolute powers to husbands, who were not required to prove that they were fit to exercise them. The consequence was that domestic violence against women was frequently left unpunished. For Mill, the truth was that 'even the commonest men reserve the violent, the sulky, the undisguisedly selfish side of their character for those who have no power to withstand it'.⁴⁰⁴ In giving the husband absolute powers over the wife, society took the risk that they would use such powers in a despotic manner. But there was another significant risk in not permitting women to become properly informed about public issues: they could nonetheless gain influence in public

³⁹⁹ See *ibid.*, p. 269.

⁴⁰⁰ *Ibid.*, p. 273.

⁴⁰¹ See *ibid.*, p. 282.

⁴⁰² *Ibid.*, p. 284.

matters by means of relatives or friends and, ignoring the seriousness of the questions at stake, cause the authorities to ignore important social issues and focus on petty, concerns such as getting 'her husband a title, her son a place, or her daughter a good marriage'.⁴⁰⁵ It was thus necessary to allow women the freedom to manage their own affairs in order to prevent them from meddling in the affairs of others as compensation for the impossibility of handling their own. Mill wanted marriage to be seen as a voluntary association in which it was not necessary for one party to seize total control. He deemed it appropriate to determine the functions of couples within families by common agreement, so that the sensibilities of their characters were respected.⁴⁰⁶ The functions to be performed by the husband and the wife should be established in a flexible manner, because in each family the spouses would be endowed with different capacities. Mill assumed that modern times demanded that marriage be 'a school of sympathy in equality, of living together in love, without power on one side or obedience on the other'.⁴⁰⁷ He regretted the fact that books and institutions were still permeated by past views, but he heralded a future in which the marriage contract would not be based on the law of the strongest. Mill did not agree with those who intended to conserve the existing form of marriage institutions, on the grounds that they were in accordance with Christian teachings. Rather, Mill suggested that Christian values promoted both the protection of wives from brutality and the creation of an atmosphere of partnership within families. He did not depart significantly from the traditional view when he admitted that, in the case of families that depended on earnings, 'the common arrangement, by which the man earns the income and the wife superintends

⁴⁰³ Ibid., p. 285.

⁴⁰⁴ Ibid., p. 288.

⁴⁰⁵ Ibid., p. 290.

⁴⁰⁶ See *ibid.*, p. 291.

the domestic expenditure, seems to me in general the most suitable division of labour between the two persons'.⁴⁰⁸ He judged it utterly unfair to force wives, who had chosen the bringing up of their families as the first call upon their time, to work outside the home.

Mill claimed that those who said that women departed from their path to happiness when they performed activities that were normally performed by men had the intention of keeping them in subordination.⁴⁰⁹ For Mill, if employments were opened up to equal competition, there was no risk that they would fall into the hands of females less competent than the average male. He thought that women had proved their capacity to perform many activities as successfully as men, and that it was therefore likely that some of them would succeed in finding paid employment if they were allowed to compete with men. But it was equally important for them to take part in the suffrage (municipal and parliamentary) because they needed the protection of the law against the oppression of their masters. In Mill's view, women had a bent towards the practical, and a special capacity to synthesize, to draw together individual cases and to draw a general conclusion, which enabled them to identify their mistakes with less difficulty than men. Therefore, women's thoughts were 'as useful in giving reality to those of thinking men, as men's thoughts in giving width and largeness to those of women'.⁴¹⁰ Mill stated that women's minds were more flexible than men's, but did not assume that this was a natural difference. In fact, he argued that any comparison between the potential of men's and women's minds would be more accurate

⁴⁰⁷ Ibid., p. 295.

⁴⁰⁸ Ibid., p. 297.

⁴⁰⁹ See *ibid.*, p. 299.

⁴¹⁰ Ibid., p. 306.

when they had received a similar education and performed the same professional activities.⁴¹¹

For Mill, the unchecked power of husbands generated a great deal of suffering for women that it was wrong to overlook, and reduced the mental resources available to contribute to the improvement of society.⁴¹² According to Mill, women had enormous potential to make contributions to various aspects of social life due to their predisposition to sympathise with people's needs. However, he did not see missionary activities and charity, areas in which women were traditionally allowed to contribute, as objects to which it was proper that they should direct their energies. He disapproved of the former, assuming that attempts to inculcate faith tended to engender religious animosity, and the latter because it discouraged people from self-sufficiency. However, Mill hoped that, once granted the freedom to choose, women would direct their sympathetic energies to more appropriate objects.⁴¹³ A man who cared for great objects, such as electoral reform and freedom of opinion, but was married to a woman who paid no attention to them, would find in her an obstacle to his personal improvement.⁴¹⁴ Their dissimilarities rendered them unsuitable for giving happiness to each other: 'unlikeness may attract, but it is likeness which retains'.⁴¹⁵ Friendship and mutual encouragement in marriage were likely to occur among those who were similar.⁴¹⁶ Mill believed that the involvement of women in public issues would create more common ground for couples and thereby improve their relationships. In this sense, women's suffrage would be beneficial for both men and women. He expected that an

⁴¹¹ See *ibid.*, pp. 314, 318.

⁴¹² See *ibid.*, p. 326.

⁴¹³ See *ibid.*, p. 330.

⁴¹⁴ See *ibid.*, p. 331.

increase in women's participation in the life of society would bring about the additional benefit of teaching all members of society to cultivate sympathy.⁴¹⁷ Since, for Mill, a valuable human life presupposed freedom and responsibility, he wanted society to grant both to women. Free, they would pursue their own good and take responsibility for their acts. In summary, he argued that the participation of women in public affairs would be a source of regeneration for society, and that a society which denied liberty, the strongest desire of human nature, to half of its members could never improve.

4.3. COMMENTATORS ON MILL ON WOMEN'S ISSUES

Julia Annas argues that Mill developed an inconsistent account of sexual inequality in *Subjection of Women*.⁴¹⁸ For Annas, there are two strands of argument that can be adopted in order to oppose sexual inequalities: the reformist and the radical. The reformist holds that the legal system needs to be reformed in order to give women opportunities without which their desires and needs will be frustrated. This argument is utilitarian because it assumes that, by putting women's dormant abilities to work, everyone will benefit. For Annas, this approach is compatible with many of the historically established differences between the sexes: 'all that it excludes is that these differences should justify inferior opportunities for women in the respects in which their contribution can be recognized'.⁴¹⁹ In contrast to the reformist approach, the radical approach holds that there are no relevant differences between men and women that can justify any institutionalization of sexual

⁴¹⁵ Ibid., p. 332.

⁴¹⁶ See *ibid.*, p. 334.

⁴¹⁷ See *ibid.*, p. 336.

differences.⁴²⁰ In Annas' view, a radical change in the relations between the sexes is necessary when the existing relations are based on a system that suppresses women's natural impulses by inculcating submissiveness as a virtue. For Annas, Mill's case for women's liberation in *Subjection of Women* mixed the reformist and the radical accounts. On the one hand, Mill followed the radical approach, saying that patriarchy was a mere consequence of women's comparative physical weakness, that both sexes could compete on an equal basis, and that women only failed to express their dissatisfaction with marriage more often than they did due to the submissiveness inculcated by the education they received. On the other hand, Mill followed the reformist approach in stating that women had a bent for the practical, while men had a bent for abstract reasoning, that despite being more flexible women's minds were unable to sustain the same level of intellectual effort as men's because men had larger brains, and that women's peculiar aptitudes were destined merely to complement men's abilities. Besides, Annas thinks that *Subjection of Women* lacks the clarity found in *Enfranchisement of Women* regarding the need for women to earn a living in order to achieve equal standing with men.⁴²¹ For Annas, when the defence of women's emancipation is grounded on complementarity and not on equality, the result is the recognition that women can be good companions for men, but never that men can be good companions for women. Overall, Annas believes that *Subjection of Women* does not do justice to the topic it addresses.

⁴¹⁸ See J. Annas, 'Mill and the Subjection of Women', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iv. 245.

⁴¹⁹ Ibid., p. 232.

⁴²⁰ See ibid., p. 233.

⁴²¹ See ibid., p. 244.

Mary Lyndon Shanley argues that Mill's contemporary critics failed to realise that he criticized the corruption of male-female relationships from the point of view of 'the normative assumption that human relationships between equals were of a higher, more enriching order than those between unequals'.⁴²² Thus, inequality was not compatible with genuine friendship because it did not imply mutual respect, but rather subordination, which was a hindrance to people's improvement.⁴²³ Personal enhancement can only occur in an atmosphere of reciprocity, where spouses are attached to one another and enrich themselves by 'acquiring the tastes and capacities of the other in addition to [their] own'. This is why Mill wanted marriage to be a locus of mutual sympathy and understanding.⁴²⁴ Shanley argues that Mill saw the social situation of married women at that time as a form of slavery because their personalities were subsumed to those of their husbands.⁴²⁵ Working-class women were prevented from receiving due compensation for their work, while middle and upper-class women were barred from higher education. A woman was deprived of the power of 'controlling' her 'earnings', of 'entering contracts', and of defending her bodily autonomy by resisting unwanted sexual relations'.⁴²⁶ Shanley claims that, for Mill, inequality between spouses was the root of social disorder.⁴²⁷ She argues that Mill's critics also failed to grasp that his commitment to equality in marriage was a moral imperative, and that his acceptance of the then existing sexual division of labour was a practical matter.⁴²⁸ Mill favoured domestic arrangements whereby men and women moved in

⁴²² M.L. Shanley, 'Marital Slavery and Friendship: John Stuart Mill's *The Subjection of Women*', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iv, 258.

⁴²³ See *ibid.*, p. 258.

⁴²⁴ See *ibid.*, p. 248.

⁴²⁵ See *ibid.*, p. 248.

⁴²⁶ *Ibid.*, p. 251.

⁴²⁷ See *ibid.*, p. 253.

⁴²⁸ See *ibid.*, p. 257-8.

different spheres of activity because such was most appropriate for the then existing circumstances, but he would have rejected such arrangements had they proved incompatible with male-female friendship in marriage.⁴²⁹ In Shanley's view, Mill never agreed with those amongst his contemporaries who believed in a natural and inevitable complementariness between women and men. She contends, however, that he advocated a sort of dynamic complementariness in which gender roles would be determined according to the characteristics of each couple. In addition to this, Shanley states that Mill advocated not only changes in legislation, but also a re-education of the passions, as essential measures to promote the interests of the community. She assumes that Mill was unable to see the positive role that sex and shared parenting might play in marriage, but thinks that his view that the highest masculine and feminine characters were without any real distinction lent support to the idea that there was a basic equality within the human family.⁴³⁰

Elaine Spitz criticises Shanley's interpretation of *Subjection of Women*, alleging that Shanley ignores the fact that Mill's principled opposition to telling people what they ought to do prevented him from proposing shared parenting.⁴³¹ According to Spitz, since Mill was not a deontological moralist, he could not be expected to pronounce on the best way for people to behave. His feminism 'derives its force from the primacy it gives to liberty (which is always a negative version of freedom, requiring the removal of external

⁴²⁹ See *ibid.*, p. 258.

⁴³⁰ See *ibid.*, p. 256.

⁴³¹ See E. Spitz, 'On Shanley Marital Slavery and Friendship', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iv. 265-6.

obstacles)'.⁴³² Spitz believes that Mill's main concerns in *Subjection of Women* were to secure women's legal rights and their economic independence, thereby allowing them to act as responsible moral agents.⁴³³ The lack of judicial rights and economic freedom denied women opportunity to pursue independently their own good. In Spitz's view, Mill wanted to free women from the imposition of social conformity, but did not intend to prescribe any specific plan of life for them. According to Spitz, Mill would oppose the attempt of some contemporary feminists to prescribe certain arrangements for marriage, because that would amount to an undue interference in other people's quest for their own conception of the good life.

Nadia Urbinati argues that Mill advocated a conception of individuality that was at odds with the view 'that reason is masculine and sentiment is feminine and the latter is inferior to the former'.⁴³⁴ She believes that Mill and Harriet Taylor developed a notion of individuality that corresponded to the idea of '*l'Homme en general, l'Homme universel*' of the Saint-Simonians, which comprised both sexes and all races. For Urbinati, such a notion was at odds with the dichotomy between feminine and masculine, which entails hierarchy and domination. Urbinati presumes that, in breaking the rigid distinction between masculine and feminine, Mill intended to promote equality as a precondition of individual free choice and self-determination. Therefore, Mill favoured changes in marriage legislation and marriage customs because he did not want the domestic system to remain a school for

⁴³² Ibid., p. 266.

⁴³³ See *ibid.*, pp. 254-5.

⁴³⁴ N. Urbinati, 'John Stuart Mill on Androgyny and Ideal Marriage', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iv. 271.

tyranny, but a micro-society of equals which would raise humanity to a higher condition.⁴³⁵ For Urbinati, Mill's critics exaggerate the importance which should be attached to the question of the internal coherence of *Subjection of Women*, and disregarded the relevance of 'the concrete support that Mill gave for the movement of social and political emancipation of women'.⁴³⁶ She stresses that Mill did not expect married women to devote themselves solely to the management of a household because, for Mill, when labour was a means of self-realisation, the decision to work was a matter of 'free choice and personal abilities; but when it is a necessity, women cannot be compelled by their husbands to work both inside and outside their houses because this is an unjustified form of exploitation'.⁴³⁷ So, for Urbinati, the restriction Mill placed on women's participation in the labour market was a way of preventing exploitation.

Susan Mendus claims that *Subjection of Women* coheres with the general thrust of Mill's political writings, and she rejects the reason-emotion dichotomy. She argues that *Subjection of Women* 'draws much of its persuasive power from the doctrines advanced in Harriet Taylor's *Enfranchisement of Women*'.⁴³⁸ Mendus sees *Subjection of Women* as a political essay which 'was timed to coincide with the growing parliamentary and political movement for the reform of the franchise and, especially, with the campaign for votes for women'.⁴³⁹ However, the central concern of Mill's book was not to promote legal reform, but to remove inequalities that hindered the moral improvement of mankind:

⁴³⁵ See *ibid.*, p. 278.

⁴³⁶ *Ibid.*, p. 281.

⁴³⁷ *Ibid.*, p. 282.

Again and again in these texts we find indications that John Stuart Mill and Harriet Taylor are urging, not legal improvement only, but a complete revision of the moral relationship between sexes. Their advocacy of legal alteration is subordinate to this and motivated by it.⁴⁴⁰

For Mendus, critics of *Subjection of Women* are wrong in seeing it as a mere catalogue of legal disabilities suffered by Victorian women. She argues that *Subjection of Women* is close to the tenets of present-day radical feminism. She points to two convergences between them. First, radical feminism holds that the existing patriarchal system pressures women to become sexual slaves by establishing their attractiveness to men as the most important criterion by which to evaluate them.⁴⁴¹ Following an identical line of reasoning, both Mill and Harriet Taylor contended that women were brought up with the social expectation that they had no option other than to marry, and this guaranteed 'that in marriage a man will get not a forced slave but a willing one'.⁴⁴² Second, radical feminists aim to transcend the supposed patriarchal dualism between reason and emotion. Mill also acknowledged emotion and rationality as two essential dimensions of human beings. For Mendus, Mill's intellectual partnership with Harriet Taylor was a successful one because they complemented each other. While Mill was basically a thinker, Harriet Taylor had intuitive insight and imagination. The claim of the contemporary radical feminist Shulamith Firestone for an emotional science, 'as a corrective to the over-valuing of technology and

⁴³⁸ S. Mendus, 'John Stuart Mill and Harriet Taylor on Women and Mariage', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iv. 312-23.

⁴³⁹ Ibid., p. 313.

⁴⁴⁰ Ibid., p. 317.

⁴⁴¹ See ibid., p. 318.

⁴⁴² Ibid., p. 319.

its power', is plainly consistent with Mill's praise of imagination as a necessary complement to intellect, and vice versa.⁴⁴³

The liberal democratic tradition envisages a society where governments are accountable to, and social arrangements are framed so as to represent the interests of, all members of the community.⁴⁴⁴ For Mendus, Mill played an important role in the history of liberalism by showing that, in excluding women from politics, liberal societies were at odds with their own principles. She counts Mill amongst those who believe that democratic societies are superior because they deliver unity out of diversity. Mill's conception of democracy was premised on the idea that people were not indistinguishably alike, and because of this, equality had to be pursued through the recognition of difference, otherwise society would degenerate into imposed uniformity.⁴⁴⁵ According to Mendus, in *Subjection of Women*, Mill tried to show that women should not be confined to domestic concerns because this represented an improper limitation on the exercise of their abilities and was, as such, detrimental to society. She thinks that Mill wanted to reform the institutions of Victorian Britain to meet the claims of justice generated by the liberal democratic conscience, and amongst these claims the emancipation of women figured prominently.

4.4. MILL, WOMEN'S ISSUES, AND LIBERALISM

⁴⁴³ See *ibid.*, p. 322.

⁴⁴⁴ See S. Mendus, 'Losing the Faith: Feminism and Democracy', in J. Dunn (ed), *Democracy: The Unfinished Journey 508 BC to AD 1993*, (Oxford: Oxford University Press, 1995), p. 208.

⁴⁴⁵ See *ibid.*, p. 217.

Julia Annas fails to perceive that Mill saw what she calls the reformist and radical approaches to feminism as two sides of the same coin. He advocated reforms in the legal system because he regarded them as necessary to change a society that educated women for submission. In the first chapter of *Subjection of Women*, Mill claimed that the submission of women was not based on reason or nature, but was a consequence of education. Besides, he affirmed that the then existing system of inequality was unacceptable. Annas's view that Mill's conception of complementarity between men and women undermined his radical credentials is not correct. The differences between women and men that Mill referred to in *Subjection of Women* are not presented as natural properties. He clearly stated that such differences were related to capacities that appeared more frequently either in men or in women, and were very likely to be associated with the activities they performed and the education they received. This was why he thought a proper understanding of these differences would be possible only when men and women had had the same education. In fact, he argued that spouses with different capabilities should use these capabilities to promote a dynamic complementarity, and not to legitimate oppression. Hence, marriage should be a voluntary association in which the role of the members was defined according to the aptitudes of each couple. One could not assume, as Annas does, that Mill's notion of complementarity amounts to subjection for wives. Annas's statement that, in *Subjection of Women*, Mill was less emphatic in defending the need for women to earn a living in order to achieve an equality of standing with men than Harriet Taylor was in *Enfranchisement of Women* is correct. Mill's earlier essay *On Marriage* (1832-33?) likewise paid more attention to this issue than *Subjection of Women*. In *Subjection of Women*, he certainly continued to advocate the participation of women in political decision-making and in the labour market. However, these questions were addressed in *Subjection of Women* in the

light of broader philosophical and political concerns. For Mill, female emancipation was a matter of justice because 'the system of male domination of females violates a basic principle of justice - reward and advantage are based on birth, not merit or personal exertion'.⁴⁴⁶ But he presumed that, by participating in the suffrage, women would contribute to a major transformation in society that would allow the emergence of a new pattern in the relationship between the sexes.⁴⁴⁷ Mill was not merely interested in discussing the legal disabilities of women, but in creating the conditions for them to be autonomous human beings. His persistent affirmation that the form of marriage existing at that time was at odds with modernity dovetails with his theory of history. As has already been shown, Mill believed that society was evolving towards the removal of social inequalities, a process that was undermining individuality.⁴⁴⁸ It was thus essential to remove such inequalities, because they discouraged social cooperation on which modern societies increasingly depended by weakening people's sympathetic feelings towards other members of society.⁴⁴⁹ Besides, in societies in which people's social roles are not inexorably tied to their situation of birth, inequalities that undermined individuality were not accepted. So, as Mill thought that the very dynamic of modern society tended to make the existing form of the marriage relationship indefensible, he decided to advocate changes in legislation, which he saw as instrumental in unleashing the more comprehensive changes that he aimed at. He avoided drawing attention to these wider changes because they would attract opposition from those who wanted to keep things as they were. In *Subjection of Women*, Mill combined his philosophical views on women's issues with his political aim of

⁴⁴⁶ F.R. Berger, *Happiness, Justice and Freedom: The Moral and Political Philosophy of John Stuart Mill*, (Berkeley: University of California Press, 1984), p. 197.

⁴⁴⁷ See *ibid.*, p. 202.

⁴⁴⁸ See above, 'Chapter II', pp. 102-4.

promoting women's participation in the voting process. This combination can be clearly seen in his speech of 17 July 1869 to the Gallery of the Architectural Society:

The suffrage, while it is the road to other progress, commits no one as to what other things progress consists of. Let us but gain the suffrage, and whatever is desirable for women must ultimately follow, without its being necessary at present to decide, or indeed possible to foresee, all that is desirable. The mere fact of claiming the suffrage is giving an impulse, such as never has been given before, to all proposals for doing away with injustice to women. Since the suffrage has been claimed, a bill for allowing married women to be the owners of their own property, which had been laid on the shelf for ten years with other uninteresting trifles, has been reintroduced into Parliament with good prospect of success; and the movement for higher education of women is spreading in all directions, with a considerable diversity of means, insomuch that women have a chance of obtaining a really good education almost as soon as men.⁴⁵⁰

Shanley correctly argues that some of Mill's critics fails to realize that his defence of changes in legislation was not an end in itself, but a means to promote the re-education of the passions that could transform marriage into a relationship of friendship between equals. She is also accurate to say that Mill advocated a dynamic kind of complementariness between spouses, and not one in which the roles were fixed. Shanley clearly perceives that Mill was not a timid reformer, but a fierce supporter of women's full moral and legal

⁴⁴⁹ See *ibid.*, pp. 160-2.

⁴⁵⁰ J.S. Mill, *Public and Parliamentary Speeches July 1869 -March 1873*, (CW), XXIX, p. 379.

personhood at a time when they were both denied, and that he was fully conscious that the law was only one of the factors that moulded individuals' characters.⁴⁵¹ Nevertheless, she gives an incomplete explanation of Mill's acceptance of traditional domestic arrangements and his incapacity to see the positive role that sex and shared parenting might play in marriage. Mill affirmed that, in some circumstances, the traditional family arrangement in which the wife supervised the domestic expenditure and the husband earned the income was the most suitable. But this affirmation should not be interpreted merely as an attempt to make his opinion more acceptable to his contemporaries.⁴⁵² He believed that a woman was of more value in the eyes of the man who was legally her master when she contributed with her income to the maintenance of the household. However, as she was legally under his tutelage, and since her husband was the one who had the power to decide if and where she should work, the risks of abuse were immense. For example, the husband could force his wife to work, and leave 'the support of the family to her exertions, while he spends most of his time in drinking and idleness'.⁴⁵³ Therefore, in conceding the value of the traditional marriage arrangement in this situation, Mill's main concern was to prevent women from being victims of what he deemed additional exploitation. Even though Mill believed that the spirit of the age was unequivocally on the side of those proposing changes in the legal and social condition of women, he knew that such changes would not occur immediately.⁴⁵⁴ His priority was, therefore, to campaign for women's enfranchisement, access to higher education, and for married women's rights to own property. He believed that these reforms could break the legal inferiority that was at the root of women's subjection, and supposed

⁴⁵¹ See M. H. Morales, *Perfect Equality: John Stuart Mill on Well-Constituted Communities*, (New York and London: Rowman & Littlefield Publishers, 1996), pp. 7, 51.

⁴⁵² See J.S. Mill, *Subjection of Women*, (CW), XXI, p. 297.

⁴⁵³ *Ibid.*, p. 298.

that, once legal inferiority was eliminated, the dynamic of society would tend to favour equality in marriage relationships even more strongly. His acceptance of traditional marriage arrangements was also a realistic recognition that the wide-scale participation of women in outdoor occupations would not occur immediately. At that time, it was not realistic to think that men could manage the household while women had employment outside the home. Besides, he knew that some couples would see traditional domestic arrangements as ideal, even in a situation in which women's legal tutelage no longer existed. Mill did not believe that many couples would take this view, but felt, nonetheless, that he should respect those who did make that choice. As a matter of fact, Mill thought that once equality was an established principle, it was up to couples themselves to adjust their marriage arrangements accordingly.⁴⁵⁵ Hence, Mill's acceptance of the traditional domestic arrangements was due in part to the need to respect those who saw it as the best possible arrangement, and to the unfeasibility of having men managing the household.

It is necessary to comment further on Shanley's assertion that Mill failed to see that sex and shared parenting might play a positive role in marriage. The conditions of the nineteenth-century working classes were appalling. The Ten Hours Act of 1847 limited the working hours for women and young persons under 18 to ten hours per day, but it was still possible for men to be working for twelve hours per day.⁴⁵⁶ The Factory Act of 1850 reduced Saturday working for women and children and established breaks for meals. These two pieces of legislation were restricted to textile factories until 1867, when they gained general

⁴⁵⁴ See J.S. Mill, *Public and Parliamentary Speeches*, (CW), XXIX, p. 375.

⁴⁵⁵ See J.S. Mill, *Subjection of Women*, (CW), XXI, p. 298.

⁴⁵⁶ See D. Murphy, R. Staton, P. Walsh-Atkins and N. Whiskerd, *Britain 1815-1918*, (London: HarperCollins Publishers, 1999) p. 191.

application. It seems reasonable to infer that, despite recognizing that men were becoming increasingly domestically-minded, Mill realized that shared parenting would not be seen as an appealing activity for those who already worked twelve hours a day, and were educated to see the bringing up of the family as the first call upon women's exertions. But the idea of shared parenting is compatible with Mill's notion of marriage as a voluntary association in which the roles of its members were defined by agreement. He neither opposed the involvement of men in the bringing up of the family, nor the involvement of women in public affairs, because both situations made marriage relationships more meaningful by creating common ground between the spouses, an effect which Mill deemed to be positive for society.

In relation to Shanley's belief that Mill failed to see that sex might play an important role in marriage, it is important to consider what follows. From early in his thought, Mill criticized the fact that the law of marriage was designed to keep relationships based solely on sexual attraction.⁴⁵⁷ He ranked intellectual pleasures higher than physical ones, but it is not correct to infer from this that he paid no attention to the importance of sex in the marriage relationship or regarded it as irrelevant to general happiness. Mill did not provide a detailed account of sexuality in marriage relationships because he believed that this issue was related to people's private sphere of conduct which should be protected from interference from state and society.⁴⁵⁸ In view of the intimacy of sexual relations, Mill did not put forward general prescriptions about the role sex might have in married life, but presumed that each couple should be left to define that role for themselves.

⁴⁵⁷ See J.S. Mill, *On Marriage*, (CW), XXI, p. 40.

⁴⁵⁸ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 226.

Elaine Spitz is correct to criticise some contemporary feminists who do not realise that Mill would have opposed attempts to prescribe certain arrangements for marriage because such prescription would amount to an undue interference in other people's quest for their own conception of the good life. She is also correct to assert that Mill's main concern in *Subjection of Women* was to guarantee legal rights for women that would enable them to act as responsible moral agents. But it is important to keep in mind that Mill saw in his relationship with Harriet Taylor a paradigm of the marriage relationship. In his view, marriage was a sort of debating society between couples that was likely to be successful only amongst those whose natures were congenial and who could therefore develop a deep friendship. He did not intend to impose such an ideal of marriage on others, but thought that this was the sort of relationship that would prevail when the principle of equality became a reality in marriage. Besides, he hoped that, when co-operation and the sharing of experiences was the principle governing the relationship between married couples and his children, family life would become a preparation for citizenship.⁴⁵⁹ Mill envisioned a democratic society in which families educated their members for freedom. That is, for Mill, self-government was a practice to be promoted not only in political and labour relations, but within families as well.⁴⁶⁰ Mill believed that the vast range of relationships that moulded human character should be reviewed in the light of the need to promote mutual respect among couples. This could happen only when there was an acceptance that both men and women were autonomous human beings. He assumed that society would change in a positive direction when families recognised the need of such an acceptance. The predominance of relationships based on self-respect and respect for others would be

⁴⁵⁹ See H.S. Jones, *Victorian Political Thought*, (London: Macmillan, 2000), p. 101.

essential in creating the atmosphere of co-operation and friendship that would lead to the improvement of society. Mill thought that the perpetuation of abuses of power was detrimental both to those who performed them and to those who suffered their consequences. He agreed with Plato's idea that the tyrant's life was impoverished because he could not have genuine friends, but only flatterers. Friendship presupposed a recognition that dignity could not exist in the context of relations of submission. This is why Mill adopted William Thompson's idea that the command-obedience ethic should not prevail in marriage relationships. Thompson wrote a book on behalf of women against the passage in James Mill's *Essay on Government*, which defended women's exclusion from the suffrage. Thompson influenced Mill whom he met in the early part of 1825 in the Co-operative Society.⁴⁶¹ Hence, Maria H. Morales is correct to assert that:

Like Thompson, Mill exhorted men to change the selfish pleasures of the despot for the sympathetic pleasures of the friend, which can arise and be enjoyed only under conditions of perfect equality. Also like Thompson, Mill believed that until men cease to be despots and women slaves, social improvement will be impossible. Social improvement is premised on moral progress, and inequality is inimical to moral progress. Thus, social improvement requires equality.⁴⁶²

Urbinati's account has the merit of recognising: 1) that Mill wanted the domestic system to be a micro-society of equals, which he deemed essential to raise humanity to a higher

⁴⁶⁰ See B. Baum, *Re-reading Power and Freedom in John Stuart Mill*, (Toronto: University of Toronto Press, 2000), pp. 262-3.

⁴⁶¹ See J.S. Mill, *Autobiography*, (CW), I, p. 129.

⁴⁶² M.H. Morales, *Perfect Equality: John Stuart Mill on Well-Constituted Communities*, p. 147.

condition; 2) that he accepted traditional domestic arrangements, because he feared the possibility of women being compelled by their husbands to find outdoor occupations; and 3) that some of Mill's critics disregard the relevance of his support for the movement for political emancipation. However, Urbinati's view that Mill and Harriet Taylor adopted a conception of individuality that corresponded to the idea of '*l'Homme en general*' and blurred distinctions between masculine and feminine needs to be challenged. Urbinati's claim that Mill believed that there was no relation between 'masculine' and 'feminine', on the one hand, and biological sexuality on the other, seems to go beyond Mill's own position. Despite believing that many of the so-called natural differences between men and women were consequences of education, he regarded the relation between 'masculine' and 'feminine' on the one hand, and biological sexuality on the other, as a topic that had yet to be clarified. One should avoid attributing conclusions to Mill that he had not reached. He thought that both men and women should be autonomous individuals, in other words that they should be empowered to consider their commitments and to make genuine choices.⁴⁶³ Mill's defence of equality between the sexes was grounded on the idea that character must derive from one's inner being, and should not be imposed from without.⁴⁶⁴ He believed that under the regime of equality it would be easier to estimate the differences between women and men, because both would have the opportunity to exercise their capabilities. When Mill referred to women's bent for the practical and ability to sympathise with public concerns, and men's bent for abstract reasoning and ability to undertake sustained intellectual effort, he presumed that certain characteristics were more present in one gender than in the other. He expected that these characteristics would be shown to a large extent to be cultural

⁴⁶³ See W. Donner, 'John Stuart Mill's Liberal Feminism', in E.J. Eisenach (ed), *Mill and the Moral Character of Liberalism*, (University Park: The Pennsylvania State University Press, 1999), p. 135.

products, but he admitted that there was no basis available to establish with precision if they were merely cultural products, so that only more or less probable conjectures could be made about this subject.⁴⁶⁵ Urbinati's claim that Mill's conception of individuality is marked by an androgenous ideal seems groundless, because, for Mill, autonomy essentially required self-determination and did not preclude difference. Hence, Mill's intention to ground family life on friendship did not entail an androgenous ideal according to which differences were irrelevant. Mill was cautious in his analysis of the differences between men and women, and this impeded him from adopting a reductionist account of women's subjection, such as the one Engels presented in *Origin of the Family, Private Property, and the State*. Engels accepted the evolutionary scheme of Lewis H. Morgan, according to which the monogamous family system dominated by male authority was the last stage of a process that began with promiscuity, and was followed by group marriage and polygamy. Engels added to Morgan's account of familial relations the idea that monogamy enforced by law was a device to perpetuate the private property system which was the ultimate cause of women's subjection. To underpin this claim, Engels alleged that familial relations before stable monogamy were matrilineal.⁴⁶⁶ Mill believed that the subjection of women was not a by-product of capitalism but a reality grounded in deep-rooted feelings and emotions which were present in various modes of production and stages of history. He saw the social trend of his time as one that did not favour the permanence of women's subjection, but favoured their integration in social affairs. Nonetheless, he rejected the idea of converting claims about differences between men and women based on empirically verifiable generalizations

⁴⁶⁴ See *ibid.*, p. 136.

⁴⁶⁵ See J.S. Mill, *The Subjection of Women*, (CW), XXI, pp. 277-8, 304-5.

⁴⁶⁶ See F. Engels, *A Origem da Família, da Propriedade Privada e do Estado*, in *Karl Marx e Friedrich Engels: obras escolhidas*, 3 vols., (São Paulo: Editora Alfa-Omega Ltda, 1953), iii. 51-63.

into normative conclusions about women's and men's inequality. Therefore, he believed it was unacceptable to legitimate women's subjection to men on the grounds that women were inferior in muscular strength.⁴⁶⁷ Mill observed that what many deemed to be natural characteristics of men, such as starved emotional constitutions and overbearingness, were in reality socially determined traits. Hence, the normal should not be equated with the correct.

Susan Mendus correctly recognises that *Subjection of Women* coheres with the general thrust of Mill's political writings, and that in it Mill advocated the removal of inequalities that compromised autonomy and hindered the moral improvement of individuals. She was also correct in stating that Mill recognised that women were willing slaves because the social expectation for them to get married was very strong, and they were educated to think that marriage was their only path to happiness. In addition, Mendus has the merit of realising that Mill pursued equality through the recognition of characteristics that distinguished women from men. The notion of equality referred to here implied the recognition that both men and women were capable of making genuine choices based on their own conception of the good life. Therefore, paternalism and subjugation were not capable of underpinning relations between men and women, because both partook of the same human nature and should be responsible for their choices. Mill thought that rather than precluding differences of tastes and opinions between men and women, equality would demand them. In order to understand this one should pay attention to the concept of individuality outlined in *On Liberty*. There, Mill portrayed the autonomous individual as being capable of deviating from the dominant values of society and of searching for

⁴⁶⁷ See M. H. Morales, *Perfect Equality: John Stuart Mill on Well-Constituted Communities*, p. 162.

experiments of life that fulfilled the demands of his or her uniqueness. The more an individual was able to identify the set of experiments that enhanced his or her inward potentialities, the more able he or she was to make genuine choices which corresponded to his or her deeper aspirations. Mill saw autonomous individuals not only as choice-makers, but also as engaged reasoners who scrutinised alternative ways of life in order to identify the one that suited them best.⁴⁶⁸ In view of all this, it is correct to assert that, for Mill, mental, physical, and social differences amongst human beings of both genders were not detrimental to society when they were consistent with relations based on mutual respect, but were objectionable when they entailed subjugation or paternalism. Mendus recognizes that Mill fought for changes in social relations, on the grounds that liberal democracies had allowed members of society to choose those who governed them and make government accountable to citizens. Mill also grounded women's enfranchisement on the fact that they needed it as a means of self-defence, so that their interests would not be ignored. In *Subjection of Women*, Mill was concerned to defend women's right to a voice in political matters, and to protect them from being victims of men's despotical power. He presented divorce as a way of impeding the complete assimilation of the wife to the slave.⁴⁶⁹ He wanted the legislator to take worst-case scenarios into account, instead of assuming that men would always exercise power benevolently. Mill called the attention of legislators to the fact that marriage was not an institution designed for a selected group, and that women should be protected because 'men are not required, as a preliminary to the marriage ceremony, to prove by testimonials that they are fit to be trusted with the exercise of

⁴⁶⁸ See J.S. Mill, *On Liberty*, (CW), XVIII, pp. 261-75.

⁴⁶⁹ See *ibid.*, pp. 285-6. Mill did not treat the question of divorce extensively in *Subjection of Women*, but it is clear that he would have supported legislative change to this effect. Mill had already written in favour of

absolute power'.⁴⁷⁰ But he also claimed that women's ability to sympathise with public causes and to fraternise with other people would make their participation in the electoral process advantageous to society. In recognizing women as autonomous human beings, Mill upheld their right to have a voice in the administration of society and to be responsible for their own opinions and points of view. He wanted to change the existing situation in which women suffered the consequences of decisions made by governments, but in which representatives in parliament were neither chosen by nor accountable to them. He preferred to have government accountable to women, and women accountable to society for their choices and opinions in public matters.⁴⁷¹

Mill's concern with accountability was present in everything he wrote concerning the social situation of women. In *On Marriage* (1832-33?), he pointed to economic independence as a means of creating a balance of power within families and of making marriage a relationship based upon the wishes of both parties, thereby destroying the unchecked power of husbands. In *Papers on Women's Rights* (1847-50), enfranchisement was presented as a way of freeing women from a form of oppression that confined them to the domestic sphere and left them unprotected. In *Subjection of Women*, Mill refined his concern with accountability by taking into account all the aspects he had previously considered and placing them in the context of a broader theory of social and personal improvement. In his later speeches on women's enfranchisement, accountability clearly appeared as the foremost concern. In the speech of 17 July 1869 at the Gallery of the Architectural Society

divorce in previous works, despite admitting that the indissolubility of marriage had contributed in the past to the elevation of the social position of women. See J.S. Mill, *On marriage*, (CW), XXI, p. 40.

⁴⁷⁰ Ibid., p. 287

⁴⁷¹ See *ibid.*, p. 290.

mentioned above, Mill argued that the enfranchisement of women was a democratic demand attuned to the spirit of the age because it allowed them to have ‘a voice in choosing the persons by whom the laws are made and administered’.⁴⁷² In a speech delivered on 26 March 1870, at Hanover Square Rooms, Mill asserted that, if women had been enfranchised, Britain would not have had the Contagious Diseases Acts under which, in order to prevent the spreading of sexually transmitted diseases, daughters and wives of the poor are exposed to enforced medical inspection on the suspicion of a police-officer.⁴⁷³ Mill deplored the fact that those who introduced such Acts were not accountable to women, who had no say on their introduction, despite their drastic effect on them. He defended the repeal of the Contagious Diseases Acts, on the grounds that they condemned prostitutes to arbitrary medical inspections. Had women been properly represented, the Acts would not have been approved. Mill pointed to women’s enfranchisement as a way of promoting among women ‘a more cogent sense of their special duties as citizens, and of their general responsibilities as concerned with the advancement of the highest moral interests of the whole community’.⁴⁷⁴ In a speech given on 12 January 1871 in the Music Hall, Edinburgh, Mill commented on the fact that while wives were frequently the real prompter either of what men did well, or of what men did selfishly, they were not credited for what men did well nor held responsible for what they did selfishly.⁴⁷⁵ He believed that women’s power of cajolery was an undesirable form of influence because it rendered them unaccountable. For Mill, women should be enfranchised and made accountable for their choices, because

⁴⁷² J.S. Mill, *Public and Parliamentary Speeches*, (CW), XXIX, pp. 374-5.

⁴⁷³ See *ibid.*, pp. 388-9.

⁴⁷⁴ *Ibid.*, p. 391.

⁴⁷⁵ See *ibid.*, pp. 404-5.

power must be exerted with knowledge and responsibility.⁴⁷⁶ In view of all these considerations, it can be seen that Mill's concern with accountability was central to his writings on women's issues. This was a consequence of the central tenet of his political philosophy, according to which unchecked powers were always sources of corruption. He frequently related marriage to slavery because, in his opinion, masters and husbands exerted unchecked power over slaves and wives respectively. Therefore, in promoting equality and mutual consideration in marriage relationships, he was trying to maximize the happiness of society by doubling the number of people pursuing personal excellence.⁴⁷⁷ Mill failed to perceive that his over-intellectualised relationship with Harriet Taylor could not be offered as a model for many people. The sort of attachments that exist between members of families are different from those existing between members of society at large, so that it is quite difficult to transform families into debating societies.⁴⁷⁸ Mill's concern with the issue of power within families was correctly focused, because families are powerful agencies in the formation of people's mentality, but he should have taken into account the fact that familial relations are situated primarily in the sphere of community (*Gemeinschaft*) and not in the sphere of society (*Gesellschaft*). In the sphere of *Gemeinschaft*, relations are marked by kinship, intimacy, cohesion, and continuity, while in the sphere of *Gesellschaft* relations are based on calculation, opposition, and pecuniary interest.⁴⁷⁹ But even if it is not feasible to transform most families into debating societies, it is possible to improve mutual respect within them. Mill thought that the recognition of women's legal and moral personhood was essential to the implementation of his liberal ideals

⁴⁷⁶ See *ibid.*, p. 404.

⁴⁷⁷ See G. Scarre, *Utilitarianism*, (London: Routledge, 1996), pp. 5-6.

⁴⁷⁸ See H.S. Jones, *Victorian Political Thought*, p. 102.

⁴⁷⁹ See R.A. Nisbet, *The Social Philosopher*, (New York: Paladin, 1974), p. 11

and to the improvement of women's treatment within their homes.⁴⁸⁰ Enfranchisement was an essential precondition if women were to be really represented and have the possibility of controlling those who governed. Their participation in the public sphere was thus a liberal ideal that Mill coherently advocated. The notion that the liberal differentiation between the private and public sphere implies the subjection of women is flatly wrong: the fact that the two spheres exist does not imply that women should be confined to one of them. Mill's concern with the enfranchisement of women was linked to his belief that an equilibrium of power between couples and within families could bring about benefits for society. Mill believed that advances in civilisation required people to rely increasingly on one another, and this would be possible only in a society where human beings saw themselves as partakers of a common nature and a common dignity.

4.5. CONCLUSION

Mill believed that the regeneration of society depended to a significant extent on the liberation of women from the political and cultural obstacles to their recognition as autonomous human beings. He considered this recognition to be a matter of justice in that the existing system stamped the character of inferiority on women by disconsidering their merits and capabilities, and by leaving them unprotected from the tyranny of husbands in the sphere of the family. He supported institutional changes in order to enfranchise women and allow married women to own property and benefit from higher education, on the grounds that such changes were important in transforming marriage into a relationship between equals. He argued that families in which relationships were based on friendship

⁴⁸⁰ See *ibid.*, p. 94.

and cooperation would be the main locus of education for citizenship in societies that were expected to have accountable governments. Mill presumed that the well-being of a society increased where women enjoyed liberty, because the enjoyment of such liberty minimized suffering and maximized the pool of available intellectual resources. He believed that women could introduce more altruism in the treatment of political matters and generate a renewal of social feeling, so as to make self-government a reality both in the family and in society. It was, therefore, necessary to promote an equilibrium of power within the family in order to promote the idea that human beings were partakers of a common dignity. This was important in modern societies whose members were becoming increasingly interdependent. In view of what has been said in this chapter, it is correct to affirm that Mill's stance in favour of women's enfranchisement cannot be detached from his general concern with accountability. He defended women's enfranchisement as a precondition for women to participate in the choice of representatives and to control those who governed them. But he also wanted them to be responsible for their own choices and points of view in public matters before society, because responsibility was correlative to autonomy. In short, everyone who had the power to make choices had to be held accountable for the consequences.

CHAPTER 5

J.S. MILL ON ECONOMIC DEMOCRACY

5.1. INTRODUCTION

This chapter will show that Mill believed that democracy had an essential economic component. He thought that democratic societies had to promote individuality and accountability, but that these notions had to be understood in a broad sense, because a balance of power could be achieved only where political and economic powers were distributed equitably. Mill wished to extend the scope of participation from the political arena to the productive process. Mill's political economy in general, and his defence of socialism in particular, therefore, embodied a concept of citizenship according to which the flourishing of individual freedom could not be separated from the material advance of civilization.

The second section will show that Mill's political economy cannot be disentangled from his concern to promote individual improvement and accountability. His belief that the laws of distribution were dependent on human will led him to allow the possibility of state

intervention to help people to acquire the basic means of subsistence which he recognised as a pre-condition for citizenship. Yet, despite his intention to destroy the division of society between payers and receivers of wages, and to ground the economic order on co-operative associations which emphasised partnership, Mill remained a steadfast defender of the role of competition in social life.

The third section will show that, in order to promote security and to prepare the working class for citizenship, Mill emphatically advocated state intervention to help working-classes families educate their children and to prevent severe inequality. He upheld the idea that the state must neither discourage people from struggling for their subsistence, nor attract the talented people to its own institutions, leaving society in general deprived of creative people. Since Mill did not regard socialism as a viable alternative for the near future, he supported reforms in order to diminish the then existing concentration of resources in the hands of the few, a concentration that prevented the many from exercising individual freedom and caused popular discontent. This section will take *Principles of Political Economy* for its focus.

In the fourth section, it will be shown that, in *Chapters on Socialism*, while Mill claimed that small-scale socialist experiments could progressively renew the existing social order, he distanced himself from centralised and revolutionary forms of socialism on the grounds that they could not be democratically implemented. Mill contended that the system of property had to be changed so as to prevent the accumulation of enormous fortunes over several generations, and to permit large sections of the population to gain economic citizenship. Mill believed that socialism represented the extension of the democratic

principle to economics, and that its implementation had to be preceded by reforms in capitalism which would strengthen the spirit of partnership by promoting the participation of workers in the productive process and in the division of its produce. In the fifth section, it will be concluded that Mill advanced a conception of democracy according to which the flourishing of freedom and the material advance of civilization in general were important elements of human well-being.

5.2. MILL'S POLITICAL ECONOMY

Mill built his political economy upon an acceptance of Ricardo's assumption that economic agents were fundamentally motivated by a desire to maximise gains. He knew that he could not presume that everyone matched the selfish type of character Ricardo attributed to economic agents. Nonetheless, Mill assumed that, considered as economic agents, human beings were inclined to search for the means which increase their wealth.⁴⁸¹ He did not entirely accept Ricardo's political economy. He rejected, for example, Ricardo's idea that the natural value of a commodity was entirely determined by the quantity of labour required to produce it.⁴⁸² He allowed that labour was essential to the production of a commodity, 'but it cannot be carried on without materials and machinery, nor without a stock of necessities provided in advance, to maintain the labourers during the production'.⁴⁸³ For Mill, it was thus reasonable to expect the fruits of the production to be divided between the workers and those who, instead of spending their money self-indulgently, invested in

⁴⁸¹ See J.S. Mill, *Essays on Some Unsettled Questions of Political Economy*, (CW), IV, p. 321; W. Stafford, *John Stuart Mill*, (London: Macmillan, 1998), p. 68 and J. Riley, 'Mill's political economy: Ricardian science and liberal utilitarian art', in J. Skorupski, (ed), *The Cambridge Companion to Mill*, (Cambridge: Cambridge University Press, 1998), p. 294.

production. Unlike Ricardo, Mill stressed that the temporary market value was immediately determined by the relationship between supply and demand - when a commodity was in short supply, consumers would be prepared to pay more, and its value would rise - while permanent natural value was determined by the cost of production.⁴⁸⁴ Therefore, the amount of wealth produced depended on the amount of capital that capitalists, by abstaining from consumption, have saved up to pay wages. They did this expecting to be rewarded by an incentive, a reward for abstinence that consisted in interest plus the wages of superintendence. The latter was a compensation for the capitalist's labour in running the factory, and the former a compensation for the risk of the business.⁴⁸⁵ Mill saw production as a complex activity that depended more on the bodily and mental energies of human agents than on the natural resources available.⁴⁸⁶ The skills of workers and of those who superintended them were determinant aspects of productivity.⁴⁸⁷

Mill's political economy was characterised by a revision of the doctrine of laissez-faire.⁴⁸⁸ The last major victory of the supporters of the laissez-faire principle in the nineteenth-century had been the repeal of the Corn Laws, but from the late 1840s economic debate shifted to an examination of the shortcomings of the economic system, and especially of its distributional effects. Mill wished to make the laissez-faire principle more flexible, so that it could address the problems posed by the poverty of the working classes, an issue which

⁴⁸² See J.S. Mill, *Earlier Letters 1812-1848*, (CW), XIII, p. 731.

⁴⁸³ J.S. Mill, *Principles of Political Economy*, (CW), II, p. 215.

⁴⁸⁴ See W. Stafford, *John Stuart Mill*, pp. 68-9.

⁴⁸⁵ See *ibid.*, p. 70.

⁴⁸⁶ See J.S. Mill, *Principles of Political Economy*, (CW), II, p. 103.

⁴⁸⁷ See *ibid.*, p. 106.

⁴⁸⁸ See E.F. Paul, 'J.S. Mill: The Utilitarian Influence in the Demise of Laissez-faire', *Journal of Libertarian Studies*, 2 (1978), p. 135.

had not been a central preoccupation for his predecessors.⁴⁸⁹ He did not accept the view of Malthus and Ricardo that extreme social inequalities were unavoidable, but believed that the state could intervene to improve the social conditions of the working classes.⁴⁹⁰ Thus, Mill's revision of the laissez-faire principle was grounded on the view that one could not assume 'that the freedom of individuals in the economic sphere is maximised to the extent that state power is restricted to protecting property and maintaining security'.⁴⁹¹ He argued that the state should intervene to help people overcome obstacles to individual flourishing such as inequalities of property, opportunities, and economic power. For Mill, this was justifiable because the economy was in the 'other-regarding' sphere, as opposed to the 'self-regarding' sphere. He wished to promote economic citizenship for people who did not have the basic means of subsistence and the habits of self-government which were the equivalent in the sphere of economy of those he promoted in politics.⁴⁹²

Mill claimed that Harriet Taylor had awakened him to the fact that the laws of production were dependent on the natural properties of objects while the laws of distribution were dependent on human will.⁴⁹³ Given this premise, it was wrong to ascribe the necessity which characterized the process of production to the process of distribution. If the laws of distribution were man-made, they could be altered.⁴⁹⁴ Mill advocated changing the existing system of private property and inheritance, which he considered responsible for the poverty of the vast majority of the population. In the final version of *Principles of Political Economy*, Mill renounced Ricardo's doctrine of the wage fund, according to which there

⁴⁸⁹ See *ibid.*, 136.

⁴⁹⁰ See J. Lajugie, *As Doutrinas Econômicas*, (São Paulo: Difel, 1981), pp. 28-9.

⁴⁹¹ B. Baum, 'J.S. Mill's Conception of Economic Freedom', *History of Political Thought*, 3 (1999), p. 494.

⁴⁹² See *ibid.*, p. 500.

was a fixed quantity of circulating capital to pay labourers, with the consequence that if one group of workers managed to have their wages increased, then others would have their wages decreased. In contrast, Mill argued that the working classes could obtain a larger share of overall profits by means of strikes, because decisions about investment and profit could be affected by the relative political power of the organised classes.⁴⁹⁵ Hence, Mill's understanding of the process of distribution opened up the possibility of social engineering by means of wage setting.⁴⁹⁶ In Mill's view, people excluded by accident of birth from the possibility of obtaining the basic conditions of life were virtually forced into conformism.⁴⁹⁷ To prevent this, Mill suggested that reasonably well-off societies should give their people the right to a minimal level of material benefits.⁴⁹⁸ The demand for a fairer distribution of socially produced goods was in tune with the democratic spirit since a certain level of education and consumption was necessary for people to participate in an informed way in the political process. Where such preconditions were not satisfied, working people tended to adopt habits of indolence and conformity. It was, therefore, necessary to introduce measures which would enable people to overcome indolence and exercise citizenship:

For the purpose of altering the habits of the labouring people, there is need of a twofold action, directed simultaneously upon their intelligence and their poverty. An effective national education of the children of the labouring class, is the first

⁴⁹³ See J.S. Mill, *Autobiography*, (CW), I, pp. 254-56.

⁴⁹⁴ See E.F. Paul, 'J.S. Mill: The Utilitarian Influence in the Demise of Laissez-faire', 141.

⁴⁹⁵ See R. Ashcraft, 'John Stuart Mill and The Theoretical Foundations of Democratic Socialism' in E.J. Eisenach (ed), *Mill and the Moral Character of Liberalism*, (University Park: The Pennsylvania State University Press), p. 184.

⁴⁹⁶ See A. Shipman, *The Market Revolution and its Limits*, (London and New York: Routledge, 1999), p. 360.

⁴⁹⁷ See R. Ashcraft, 'John Stuart Mill and The Theoretical Foundations of Democratic Socialism', p. 180.

needful: and, coincidently with this, a system of measures which shall (as the Revolution did in France) extinguish extreme poverty for one generation.⁴⁹⁹

Mill failed to realise that not only laws of distribution but also laws of production are to a certain extent influenced by human will.⁵⁰⁰ Nonetheless, the recognition of the distinction between the laws of production and those of distribution helped to distance Mill from the idea that the market was the sole and infallible regulator of social life, and led him to pursue ways of correcting the shortcomings of the laissez-faire principle. He expected that the growth of co-operative societies would make a significant contribution in this respect. Co-operative societies emphasised partnership rather than dependence, and were powerful instruments for elevating the dignity of workers, because they provided an environment for the exchange of experiences that helped to develop the practical intelligence and social sympathies of their members.⁵⁰¹

At the root of the economic problems of industrial societies, Mill identified one main factor: the division between payers and receivers of wages. He deemed this division detrimental to both parties involved.⁵⁰² On the one hand, payers of wages expected workers to be at their disposal as if they were their natural dependents. On the other hand, employees believed that their employers should respond to their increasing demands, and that they should perform the minimum possible work in return for their wages.⁵⁰³ This kind of relationship bred hostility, and sooner or later would be intolerable both to employers

⁴⁹⁸ See J. Riley, 'Mill's political economy: Ricardian science and liberal utilitarian art', p. 316.

⁴⁹⁹ J.S. Mill, *Principles of Political Economy*, (CW), II, p. 374.

⁵⁰⁰ See E.F. Paul, 'J.S. Mill: The Utilitarian Influence in the Demise of Laissez-faire', 139.

⁵⁰¹ See J.S. Mill, *Principles of Political Economy*, (CW), III, p. 792.

and employees. The impropriety of such a relationship derived from the fact that it was grounded on a theory of paternalism, which Mill thought was no longer accepted in the advanced countries of Europe. Influenced by the socialist ideals of the nineteenth-century, workers refused to rely on the higher ranks of society for protection. According to Mill, workers were taking 'their interests into their own hands, and are perpetually showing that they think that the interests of their employers are not identical with their own, but opposite to them'.⁵⁰⁴ Mill thought that this attitude was justified because events had shown that the so-called protectors were 'the only persons against whom, in any ordinary circumstances, protection is needed'.⁵⁰⁵ In addition to this, he claimed that the division of societies into payers and receivers of wages compromised economic efficiency, because employees tended not to do their best in the fulfilment of their duties, since they were not reaping the benefit of their exertions.⁵⁰⁶ This produced the additional inconvenience of rendering it necessary to withdraw some workers from direct involvement in the productive process in order to superintend the work of others who, if left unchecked, might behave dishonestly.⁵⁰⁷ But Mill had faith in the influence of the spirit of association and partnership gradually to make economic relations less conflictual. The growth of co-operative associations would establish the ascendancy of the moral sentiments of co-operation over the selfish sentiments, and consequently diminish unfairly earned inequalities.⁵⁰⁸ Mill believed that co-operative associations could multiply the intellectual and physical energies devoted to the economic process by reinforcing the perception that the interests at stake were common. He

⁵⁰² See *ibid.*, p. 896.

⁵⁰³ See *ibid.*, p. 767.

⁵⁰⁴ *Ibid.*, p. 762.

⁵⁰⁵ *Ibid.*, p. 761.

⁵⁰⁶ See J.S. Mill, *Principles of Political Economy*, (CW), II, pp. 204-5.

⁵⁰⁷ See *ibid.*, p. 110.

⁵⁰⁸ See J.S. Mill, *Principles of Political Economy*, (CW), III, p. 793.

thought that the multiplication of such energies would renew capitalism.⁵⁰⁹ Mill expected that such a renewal would be based on the prevalence of practices of profit-sharing, not only in very restricted branches of industry, but throughout society.⁵¹⁰ The association of labourers and capitalists in the sharing of profits would have the merit of obtaining a stronger commitment from the employees, who would see their wages depended upon their exertions. Profit-sharing would foment a sense of responsibility and self-respect in labourers that was in itself a source of personal achievement. Beyond this, Mill believed that profit-sharing would be superseded by associations of labourers, with collective ownership of the capital and equal power to influence decisions regarding management.⁵¹¹ Joint ownership was ultimately the most desirable form of association because it did not require workers to pay a 'tax' for the use of capital, but allowed them to accumulate capital.⁵¹²

Mill, then, presumed that co-operative associations of capitalists and workers would evolve into co-operative associations composed just of workers. The socialist society which Mill envisioned was one in which co-operatives of workers would compete among themselves. He believed that worker co-operatives would prevail because they were better able to fulfil the democratic aspirations of modern times. Freed from the owner-worker relationship that made them work for the benefit of the possessors of capital, labourers would be stimulated

⁵⁰⁹ See B. Baum, 'J.S. Mill's Conception of Economic Freedom', p. 494. Mill uses expressions such as the system 'of individual agency' and the system 'of freedom of commercial intercourse' to refer to capitalism. 'Capitalism' is the word used in this chapter to describe the socio-economic system based on private ownership and free trade. It is not a term favoured by Mill: nonetheless it expresses what he intended to convey when using the expressions previously mentioned.

⁵¹⁰ See *ibid.*, pp. 769-74.

⁵¹¹ See J.S. Mill, *Principles of Political Economy*, (CW), III, p. 775.

⁵¹² See C.L. Ten, 'Democracy, socialism, and the working classes', in J. Skorupski (ed), *The Cambridge Companion to Mill*, (Cambridge: Cambridge University Press, 1998), pp. 385-6.

to do their best.⁵¹³ Mill thought, nonetheless, that the private system of production would remain in place for a certain time until people achieved the basic moral and intellectual qualities that would enable them to live successfully in socialist societies.⁵¹⁴ Moreover, Mill envisioned the piecemeal implementation of socialism, because he wanted to be sure that it would neither threaten individuality nor drastically upset people's settled expectations.⁵¹⁵ Despite being optimistic about socialism in *Principles of Political Economy*, Mill defended the need to wait for voluntary socialistic experiments to come into existence in order to evaluate more accurately the viability of the system.⁵¹⁶ His preferred form of socialism, consisting of co-operatives, entailed neither the abolition of private property nor absolute equality in the means of living.⁵¹⁷ Mill believed that competition was important for society even in a socialist system. He saw the process of antagonism and friction that marked competition as a stimulant to people's capacities and as a safeguard against mental idleness. Competition demonstrated to people that they needed to be as intelligent and active as their rivals.⁵¹⁸ Competition produced inconveniences, he was prepared to admit, but he judged that it prevented greater evils, for 'wherever competition is not, monopoly is', and monopoly 'in all its forms, is the taxation of the industrious for the support of indolence, if not plunder'.⁵¹⁹ Besides, Mill contended that competition among producers could lower the price of goods and even generate higher wages where the labour market was not overstocked. The stimulus to development caused by that confrontation of opinions in the political sphere, was mirrored by competition in the economical sphere.

⁵¹³ See J.S. Mill, *Principles of Political Economy*, (CW), III, p. 775.

⁵¹⁴ See C.L. Ten, 'Democracy, socialism, and the working classes', p. 393.

⁵¹⁵ See J. Riley, 'Mill's political economy: Ricardian science and liberal utilitarian art', p. 317.

⁵¹⁶ See E.F. Paul, 'J.S. Mill: The Utilitarian Influence in the Demise of Laissez-faire', 141.

⁵¹⁷ See J.S. Mill, *Principles of Political Economy*, (CW), II, p. 203.

⁵¹⁸ See J.S. Mill, *Principles of Political Economy*, (CW), III, pp. 795-6.

⁵¹⁹ Ibid., p. 794.

Competition, therefore, was an important component of Mill's notion of economic democracy. He believed that the participation of individuals in the economic sphere had important educational effects, and contributed to people's improvement as much as their participation in the political process.⁵²⁰

Mill's ideas on economic matters cannot be disentangled from his concern to promote individual improvement and accountability. When he examined different models of society, his concern was whether they were likely to promote autonomy. Mill was quite open to new ideas, but at the same time took a critical attitude towards them. He criticised communists for not offering solutions to the problem of how to apportion work to the strength and capacities of individuals, and stressed that the nominal equality of labour was a great injustice because all people were not equally fit for all labour.⁵²¹ In *Principles of Political Economy*, Mill stated that he was not convinced that communism was consistent with the spirit of pluralism and intellectual competition that he deemed vital to promote human improvement.⁵²² Despite this, he did not come to a definitive conclusion about communism. His ideal of society was that of a stationary state, in which an adequate distribution of wealth allowed individuals to live in a secure environment and devote themselves to higher pursuits, and not one which furthered economic growth.⁵²³ Jonathan Riley is correct to say that Mill's ideal of a stationary state is problematic because it is based on a perfectly competitive market of small-scale producers, while an efficient economy requires many

⁵²⁰ See W. Donner, *The Liberal Self: John Stuart Mill's Moral and Political Philosophy*, (Ithaca and London: Cornell University Press, 1991), p. 208.

⁵²¹ See J.S. Mill, *Principles of Political Economy*, (CW), II, p. 206.

⁵²² See *ibid.*, p. 209.

⁵²³ See J. Riley, 'Mill's political economy: Ricardian science and liberal utilitarian art', pp. 314, 326-7.

combinations of input present only in larger scales of production.⁵²⁴ Nevertheless, Mill's wish to create a secure environment in which people devoted themselves to higher pursuits shows that he saw economic growth as a means of furthering the development of individuality, and not as an end in itself. From this conviction, Mill inferred that, left unencumbered, market economies could transform human beings into mere links in the chain of production, and when this occurred, human dignity was destroyed, and democracy and autonomy became empty words. In order to prevent this, he argued that in certain circumstances state intervention was desirable.

5.3. STATE INTERFERENCE AND DEMOCRACY

Mill argued that practices which departed from the principle of laissez-faire should occur only when there were overriding reasons in support of them. There were situations in which government would be obliged to perform acts which would be left to private agents, if they were advanced intellectually to recognise the need of co-operation with others in order to perform them with success.⁵²⁵ Mill did not ground the principle of laissez-faire on natural rights, but on experience - that is on 'a series of instrumental assessments that government activity is to be rejected over a certain broad range of issues because it produces certain undesirable effects'.⁵²⁶ For him, the inferiority of governmental to private agency in commercial and industrial activities had been proved by practical experience, and could be explained by the inferior interest which government had in the outcome of such

⁵²⁴ See *ibid.*, p. 294.

⁵²⁵ See J.S. Mill, *Principles of Political Economy*, (CW), III, p. 970.

⁵²⁶ E.F. Paul, 'J.S. Mill: The Utilitarian Influence in the Demise of Laissez-faire', *Journal of Libertarian Studies*, 2 (1960), p. 146.

activities.⁵²⁷ In the same way, the market economy was preferable to other alternatives because it had proved itself the best means of providing society with cheap commodities of good quality. But Mill did not think that any general theory was capable of establishing beforehand those areas in which state intervention might be desirable.⁵²⁸

Mill distanced himself from the position of extreme non-interventionism and assumed a more flexible approach to the principle of laissez-faire. His approach was grounded on the principle that, as the economic laws of distribution were not natural phenomena, government could intervene to prevent severe levels of poverty, which were detrimental to society. But it is essential to understand that Mill's overriding concern for individual improvement and accountability guided his account of the relationship between state and society. On the one hand, he supported the view that personal improvement required liberty of thought and association for individuals, and that the state should not interfere in these issues. On the other hand, he argued that autonomy was realised through public life, and required a social environment not only where criticism and debate was possible, but also where access to education and other goods was possible as well. For Mill, the failure of the state to help people achieve the basic means of subsistence led to unacceptable levels of inequality. Moreover, he believed that the main problem in the future would be to 'unite the greatest individual liberty of action, with an equal ownership of all in the raw material of the globe, and an equal participation of all in the benefits of combined labour'.⁵²⁹

⁵²⁷ See J.S. Mill, *Principles of Political Economy*, (CW), III, pp. 942-3.

⁵²⁸ See *ibid.*, p. 937.

⁵²⁹ J.S. Mill, *Autobiography*, (CW), I, p. 238.

Education was one area in which Mill deemed state intervention particularly necessary. He argued that the intervention of the state to help working-class parents to educate their children was the single most important item of public policy. He thought that elementary instruction should be made accessible to all, either gratuitously or at a small expense, because it was the basic requirement to enable human beings to live in society.⁵³⁰ Its absence caused both the children and the community in which they lived to suffer the tragic consequences of ignorance. Consequently, Mill contended that the state should impose on parents the legal obligation of giving elementary instruction to their children. However, he insisted that government must neither have the monopoly of education nor induce people to prefer its teachers.⁵³¹ Governmental interference in education should follow the general rule according to which people should avail themselves of means other than those prescribed by the government to fulfil the ends that the government had ordained.⁵³² Mill deemed the education of the children of the working-classes important in order to raise their intellectual and moral status, and to make them understand that their interests were interrelated with those of society as a whole.⁵³³ He believed that the future well-being would depend to a large extent on the degree to which working people were transformed into rational beings.⁵³⁴ It would be particularly important to combat English workers' improvidence by educating them and providing them with the professional instruction without which they would not develop their capabilities.⁵³⁵

⁵³⁰ See J.S. Mill, *Principles of Political Economy*, (CW), III, pp. 948 –9.

⁵³¹ See *ibid.*, p. 150.

⁵³² See *ibid.*, pp. 938 –9.

⁵³³ See C.L. Ten, 'Democracy, socialism, and the working classes', p. 384.

⁵³⁴ See J.S. Mill, *Principles of Political Economy*, (CW), III, p. 763.

⁵³⁵ See J.S. Mill, *Principles of Political Economy*, (CW), II, p. 108.

Mill also advocated state interference in order to extinguish extreme poverty amongst the working classes, and to allow them the possibility to appreciate the value of comfort, without which it would be impossible to educate them.⁵³⁶ The education of workers should stimulate their intellectual capacities and lead them to self-help.⁵³⁷ Those who were starving needed help more urgently than anyone else. However, it was crucial that, in guaranteeing all persons against absolute want, the condition of those who benefited from relief should not be made equal to or better than that of those who provided for themselves. This would discourage people from struggling for their own subsistence. Mill argued that the elimination of poverty would be possible only with strict rules of poor-law administration, so that the beneficiaries of the relief had a strong incentive to do without it if they could.⁵³⁸ Hence, Mill supported the changes introduced by the New Poor Law of 1834, which in principle did not provide outdoor relief to the able-bodied poor, although in some cases provided it to the infirm, and established a central Poor Law Commission to supervise the scheme.⁵³⁹ Relief payments before the Act of 1834 were made from poor rates levied in the parish and were wed to supplement the low wages. Based on the view that such relief tended to promote idleness, the New Poor Law granted relief only to those who entered locally-run work houses, where basic food and shelter were provided in return for work. These places were intended to be unattractive, so that the poor would choose to help themselves rather than enter a workhouse. In addition to this, the New Poor Law prohibited those who entered the workhouse from exercising political rights.⁵⁴⁰ Mill presumed that the introduction of measures to educate people, combined with measures to

⁵³⁶ See *ibid.*, p. 374.

⁵³⁷ See J.S. Mill, *Principles of Political Economy*, (CW), III, p. 961.

⁵³⁸ See *ibid.*

extinguish extreme poverty, would raise the standard of public opinion and qualify everyone for effective participation in public life.

At this juncture, it is important to reflect upon governmental interference in the light of Mill's conception of democracy. He thought that competition and confrontation were sources of moral and technical improvement because they led human beings to activate capacities that would otherwise remain inactive.⁵⁴¹ But the competition Mill envisioned could only occur where there was an institutional and social framework that allowed it to happen. For Mill, there was no security against political slavery in societies where intelligence was not diffused amongst the governed; and the diffusion of intelligence could only take place where extreme poverty was not prevalent.⁵⁴² Governments were not accountable where there was neither a sphere of individual freedom nor the minimum conditions of subsistence for the whole of the population. One must pay attention to the relationship between Mill's concerns with social inequality on the one hand, and his concern with self-improvement and accountability on the other. Illiteracy and extreme poverty placed people under the control of others, and rendered them incapable of being informed and responsible citizens. But Mill did not want to promote social equality to the detriment of liberty. He rejected state interference destined to impose homogeneity, and instead hoped to provide education and subsistence for the people, and thereby secure for them the opportunity to pursue their own good in their own way.

⁵³⁹ See C. Cook, *The Longman Companion to Britain in the Nineteenth Century 1815-1914*, (London and New York: Longman, 1999), pp. 120-1.

⁵⁴⁰ See T.H. Marshall, *Cidadania, Classe Social e Status*, (Rio de Janeiro: Zahar, 1967), p. 73.

⁵⁴¹ See N. Bobbio, *Liberalismo e Democracia*, (São Paulo: Editora Brasiliense, 1988), pp. 26-30.

Mill ascribed an important social role to associations of workers, such as trade unions, because they were 'the indispensable means of enabling the sellers of labour to take due care of their own interests under a system of competition'.⁵⁴³ He opposed, for two main reasons, laws which forbade workers to associate to raise wages. First, they prevented members of the working classes from obtaining higher wages in situations in which the number of workers available in the market had diminished. Mill deplored the fact that a legislature of employers in France had passed legislation designed to keep wages low, when wages were tending to increase due to the fact that the number of workers had been diminished by pestilence.⁵⁴⁴ For Mill, 'such laws exhibit the infernal spirit of the slave master, when to retain the working classes in avowed slavery has ceased to be practicable'.⁵⁴⁵ Second, they prevented the working population from benefiting from the educational effects of participation. Only by participating in combined action could they understand, for example, that the fundamental cause of low wages was the level of demand and supply of labour, and not merely the law that prohibited them from taking part in combined action.⁵⁴⁶ Therefore, to deny the sellers of labour the right of association amounted to preventing them from taking due care of their own interests, and deprived them of an important source of personal development.⁵⁴⁷

Attempting to promote distributive justice within capitalism, Mill supported various sorts of government interference, for instance: 1) building and maintaining lighthouses; 2) preventing children from being overworked; 3) establishing buoys for the security of

⁵⁴² See J.S. Mill, *Principles of Political Economy*, (CW), III, pp. 943-4.

⁵⁴³ Ibid., p. 932.

⁵⁴⁴ See *ibid.*, p. 929.

⁵⁴⁵ Ibid.

navigation; 4) organizing public charity; 5) running joint-stock companies; 6) regulating concessions to monopolies in industry; 7) providing support for the education of the children of the working classes; 8) aiding workers thrown out of work due to the introduction of machinery.⁵⁴⁸ It is thus wrong to assert, as Howard Holloway does, that Mill supported a minor enlargement of government intervention in society because he cared more for the middle classes than for the working classes.⁵⁴⁹ Some clarification is, nevertheless, necessary in order to specify the nature of the intervention that Mill advocated. He neither wanted this intervention to be permanent nor intended to transform the organs responsible for them into branches of the central government. He believed that, were this to happen, 'not all the freedom of the press and popular constitution of the legislature would make this or any other country free otherwise than in name'.⁵⁵⁰ In appointing and paying the people who would control all aspects of life, the central government, would be able to impose its despotic will over society. For Mill, the risks of tyranny would be aggravated if 'intelligence and talent are maintained at a high standard within a governing corporation, but starved and discouraged outside the pale'.⁵⁵¹ In this case, there would be no rival power to criticise the government and those who were oppressed by government would be left no one to resort to.⁵⁵² In view of this, state intervention, even when occurring outside the private sphere of conscience, must be avoided when: 1) individuals were likely to perform the action in question better than government; 2) the involvement of people in performing such an action was vital for their

⁵⁴⁶ See *ibid.*, p. 932.

⁵⁴⁷ See *ibid.*

⁵⁴⁸ See E.F. Paul, 'J.S. Mill: The Utilitarian Influence in the Demise of Laissez-faire', pp. 146-8.

⁵⁴⁹ See H. Holloway, 'Mill and Green on the Modern Welfare State', *The Western Political Quarterly*, 2 (1960), pp. 390-3.

⁵⁵⁰ J.S. Mill, *On Liberty*, (CW), XVIII, p. 306.

⁵⁵¹ J.S. Mill, *Principles of Political Economy*, (CW), III, p. 943.

mental education, such as involvement in jury trials; 3) when the intervention gave unnecessary powers to the government.⁵⁵³ It is clear, therefore, that Mill did not favour the granting of an excessive number of functions to government. He anticipated Weber's fear that the increase of state bureaucracy in complex societies stifled creativity by attracting talented people to government and leaving the rest of society in a situation of semi-slavery.⁵⁵⁴ Centralization of power was detrimental for society, in Mill's opinion. Hence, he criticised the propensity of some countries of Continental Europe to place a small number of ministers in control of the whole of the public business, and favoured the division of functions between central and local government. The latter should be responsible for the detailed implementation of policies, while the central government should hold them 'accountable for the results of their acts rather than for the acts themselves'.⁵⁵⁵ Mill regarded the Railway Board and the Poor Law Commission as models for the central power bodies which should superintend the activities of other agents, but did not control their activities in detail.⁵⁵⁶ Thus, society would benefit the most if information and supervising power were concentrated in the central government, and the handling of problems were left to local authorities.

Mill was aware that governments were not the only sources of abuse of power. He pointed to the fact that sometimes private companies monopolized certain activities and were less responsive to people's complaints than the government.⁵⁵⁷ In order to prevent such abuses, government should grant licences for a limited time and oblige companies to comply with

⁵⁵² See *ibid.*, p. 940.

⁵⁵³ See J.S. Mill, *On Liberty*, (CW), XVIII, pp. 305-7.

⁵⁵⁴ See R. Bellamy, *Liberalismo e Sociedade Moderna*, (São Paulo: Editora Unesp, 1994), p. 52.

⁵⁵⁵ J.S. Mill, *Principles of Political Economy*, (CW), III, p. 941.

prescribed conditions of quantity, quality, convenience, and rates of fares for the services they provided.⁵⁵⁸ Such intervention was indispensable in the instance of those companies which operate in fields in which the government had a duty to guarantee that services were being properly delivered. Mill stressed the fact that gas and water companies, for example, failed to compete because they were few in number and could easily make agreements not to compete.⁵⁵⁹ But he was convinced that the proper use of regulatory and superintending power by local authorities could successfully address the problems posed by such monopolies. Despite this, in London, which had no unified local government but only parochial authorities, Mill proposed a Body of Commissioners appointed by the central government to superintend and regulate the system of water supply.⁵⁶⁰ Mill, however, did not want the state to carry out too many of the functions of society. He allowed for a limited number of authoritative interventions, but more often favoured non-authoritative interventions; that is, interventions designed to inform and advise, while leaving people free to use their own means of pursuing an object of general interest.⁵⁶¹ There were certainly tensions between individual freedom and state intervention in Mill's thought. For example, Mill undermined individual freedom by arguing that the state could adopt compulsory birth control measures, and even forbid marriage, on the grounds that it was a mischievous act to cause of someone to exist who had the prospect of a life of wretchedness.⁵⁶² But Mill was more emphatic in defending authoritative interference by the state in order to prevent such things as the unlimited accumulation of private property, because he regarded such

⁵⁵⁶ See *ibid.*, p. 940.

⁵⁵⁷ See *ibid.*, p. 956.

⁵⁵⁸ See *ibid.*

⁵⁵⁹ See J.S. Mill, , *Principles of Political Economy*, (CW), II, p. 142.

⁵⁶⁰ See A.L. Harris, 'J.S. Mill on Monopoly and Socialism: A Note', in J.C. Wood (ed), *John Stuart Mill: Critical Assessments*, 4 vols., (London: Croom Helm, 1987), iii. 160-63.

⁵⁶¹ See J.S. Mill, *Principles of Political Economy*, (CW), III, p. 937.

accumulation as an interdiction of other people's exercise of individual freedom. He believed that democratic self-government could not be a reality without a distribution of opportunities that would secure economic freedom for all. Hence, he regarded proposals in relation to education, land reform, poor laws, factory acts, and economic legislation as complementary to negative freedom, for the reason that people could not develop their inner potential if security, and to a certain extent, equality did not exist.⁵⁶³ Mill believed that self-cultivation could strengthen individuals' mental powers and empower them to alter society and shape their future.⁵⁶⁴ But, despite being powerful sources of social transformation, mental faculties operated in a historical context that to an extent influenced them, so that it was possible to say that the relation between self-cultivation and historicity was a mutually constitutive one.

Mill deemed it necessary to establish a flexible relationship between government and civil society so as to prevent despotism and extreme social inequality. But he ultimately saw co-operatives as the main source of economic regeneration for society. He expected that the diffusion of co-operatives of capitalists and workers would be a step towards the establishment of co-operatives of workers, in which their members would both collectively manage the enterprise and own the capital. But even in these circumstances, competition between co-operatives would be necessary in order to provide the managers with the incentive to promote efficiency.⁵⁶⁵ Mill is accused of being excessively optimistic in relation to the possibility of making the transition from capitalism to socialism. But in fact

⁵⁶² See J.S. Mill, *On Liberty*, (CW), XVIII, pp. 304-5.

⁵⁶³ See O. Kurer, 'John Stuart Mill on Government Intervention', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iii. 331.

he knew that the system of private property would continue for a considerable period, because society lacked the moral and intellectual qualities that would make socialism a viable alternative.⁵⁶⁶ In *Chapters on Socialism*, Mill expressed his conviction that socialism was not viable in the short term.

5.4. MILL'S CHAPTERS ON SOCIALISM AND DEMOCRACY

Mill conceived of democracy not as a simple form of government, but as a complex form of social organization.⁵⁶⁷ He saw socialism as the application of the democratic principle to the realm of the economy, so as to create an equitable society. Mill attributed many of the problems of nineteenth-century society to the fact that class relations were based on dependence and not on partnership.⁵⁶⁸ In order to solve these problems, he maintained in *Chapters on Socialism* the same conviction he had maintained in *Principles of Political Economy* - that is, the merging of employers and employees in a system of co-operatives. In *Chapters on Socialism*, he also insisted that limitation of population and the widespread provision of basic education were pre-conditions to the introduction of a social arrangement where misery and degradation were abolished. But, in the third edition of *Principles of Political Economy* (1852), he was much more strongly committed to socialism than in *Chapters on Socialism*. In the latter, Mill was more preoccupied with promoting the reform of capitalism than with promoting socialism. Mill favoured a form of socialism in which co-operatives competed in the market, and in which all who worked were shareholders.

⁵⁶⁴ See E.J. Eisenach, 'Mill and Liberal Christianity', in E.J. Eisenach (ed), *Mill and the Moral Character of Liberalism*, (University Park: The Pennsylvania State University Press, 1999), p. 197.

⁵⁶⁵ See C.L. Ten, 'Democracy, socialism, and the working classes', p. 392.

⁵⁶⁶ See *ibid.*, p. 393.

This moderate form of socialism, proposed in *Chapters on Socialism*, was not to be immediately introduced, but to be brought about in a distant future.

Socialism emerged in the wake of the Industrial Revolution as a reaction against 'an individualism most marked in the use, and abuse, of private ownership of productive goods in industry'.⁵⁶⁹ Most socialists think that the means of production should be socially owned in order to allow an equal division of the goods produced. They want to see society engaged in the task of protecting its weaker members. In *Chapters on Socialism*, Mill praised socialists such as Charles Fourier and Robert Owen, who wanted to multiply small-scale socialistic experiments and progressively renew the social order, gradually superseding the system of private property. Fourier wanted society to be organised in 'phalanxes', that is in rural co-operatives of approximately 1,800 members. He proposed that each person should receive 'minimum subsistence for work done and the surplus to be divided between labour, capital and talent'.⁵⁷⁰ Fourier opposed industrialism and advocated a return to nature as a solution for the problems of humanity. In contrast to Fourier, Owen had an industrialist mentality. He prescribed a system of administration that was autocratic and paternalistic, but which had proved its efficiency in the New Lanark Mills in Scotland. In *A New View of Society*, Owen claimed that character was formed by the environment. Therefore, the problems of society were not rooted in individuals but in social structures. It was, therefore, necessary to improve conditions of sanitation, education, and the housing of workers in order for society to advance. Despite the differences between their conceptions

⁵⁶⁷ See R. Ashcraft, 'John Stuart Mill and The Theoretical Foundations of Democratic Socialism', p. 175.

⁵⁶⁸ See *ibid.*, p. 177.

⁵⁶⁹ R. Charles, *Christian Social Witness and Teaching*, 2 vols., (Herefordshire: Gracewing, 1998), i. 318.

⁵⁷⁰ *Ibid.*, i., p. 320.

of socialism, Fourier, Owen, and Mill shared the belief that changes in society must be gradual and not controlled by a central authority. Mill was critical of socialists 'who want the central government taking possession of private property and managing the totality of the resources of the country'.⁵⁷¹ He opposed the centralist type of socialism on the grounds that a social scheme could not be adopted without first having proven its capacity to implement standards of social life superior to that of the system which it was intended to replace. He proposed that socialism should be implemented on a small scale, so that it could easily be abandoned if it proved detrimental to society.⁵⁷² This form of socialism required the shared ownership of the instruments of production and the division of the social produce according to rules publicly laid down by the community.⁵⁷³ It was, therefore, compatible with the private ownership of consumables, and with the exclusive right of each to his share of the produce. In *Chapters on Socialism*, Mill criticised communism as a centralised form of social organization that risked undermining the improvement of society by ignoring the diversity of capacities among people and granting everyone equal earnings without reference to their contribution to production. He was also critical of several aspects of socialist rhetoric. Mill disagreed with those who defended socialism on the assumption that the wages of common workers in Europe were diminishing. He recognised that wages were insufficient to supply the necessities of working people, but emphatically affirmed that they were slowly increasing. Mill reinforced the approach to competition that he outlined in *Principles of Political Economy* by portraying it as a security for cheapness as well as a mechanism to render people accountable for what they produced. Besides, he deemed competition important in enhancing individuals' capacities and placing them on the

⁵⁷¹ J.S. Mill, *Chapters on Socialism*, (CW), V, p. 737.

⁵⁷² See *ibid.*, p. 737.

path of improvement. In addition to this, Mill disagreed with those who believed that the equal division of the social produce would significantly improve the average wage.⁵⁷⁴ Such a belief was, in his view, based on the false idea that capitalists received an unfairly large share of the capital of the country, whereas he judged that what they received corresponded to the anxiety they suffered and the skill they applied in the existing market conditions.⁵⁷⁵ Mill did not intend to campaign for socialism by making false accusations against capitalism. He asserted that socialism was better able to meet the demands of a truly democratic society than capitalism. But, as he did not think that the pre-conditions for the implementation of socialism were in place, he preferred to concentrate his efforts on promoting reforms to existing society. He thought that the working classes would use such means as the press and public meetings to change the property regime.⁵⁷⁶ The Reform Act of 1867 gave those who lived on weekly wages in Britain the possibility of exerting a great influence on legislation. Mill assumed that the newly enfranchised voters would engage in attempts to reform the current property regime because they were not beneficiaries of the status quo.⁵⁷⁷ But he thought that these reforms would be beneficial not only for the newly enfranchised voters but for society as a whole. Undoubtedly, Mill defended the principle that property should be taken from people, with due compensation, when the public interest required it. The final sections of *Chapters on Socialism* were designed to show that the notions of property held throughout history were as variable as all other creations of the human mind. Mill has sometimes been accused of being unclear in his approach to property. On the one hand, he praised the educative effects that the diffusion of property

⁵⁷³ See *ibid.*, p. 738.

⁵⁷⁴ See *ibid.*, p. 736.

⁵⁷⁵ See *ibid.*, p. 735.

⁵⁷⁶ See *ibid.*, pp. 705, 706.

bring about. On the other hand, he saw common ownership of the means of production as a final solution to the problem concentration of wealth.⁵⁷⁸ But, ultimately, Mill intended to introduce legislation to make possible the expropriation of landed property when it was required to increase productivity and prevent an excessive concentration of property.⁵⁷⁹ He judged the inheritance of property to be detrimental to the public good because it concentrated wealth. Mill wanted to frame the system of property in a way that prevented those degrees of inequality which represented a threat to individuality. He believed that it was not appropriate to resort to natural rights or historical laws to define the appropriate characteristics of the property system.⁵⁸⁰ He opposed Herbert Spencer's idea that policies of redistribution must be avoided in the name of the sanctity of property. Spencer supported the view that the only function of government was to defend citizens against internal and external aggression. He argued that the legislation of the 1860s, designed to protect workers, betrayed liberalism because it was paternalistic and disrespected the freedom of contract.⁵⁸¹ For Spencer, it was important to respect freedom of contract because the advance of civilization was proportional to the decrease of the influence of government in society. The increase of state influence warped the process of natural selection which determined that those better able to survive did so, and instead brought about bureaucracy, which was intrinsically corrupt.⁵⁸² Property and the free market were, in Spencer's understanding, institutions to be preserved in their purity. In contrast to Spencer, Mill

⁵⁷⁷ See *ibid.*, p. 713.

⁵⁷⁸ See P. Schwartz, *The New Political Economy of J.S. Mill*, (London: Weidenfeld and Nicolson, 1972), p. 207.

⁵⁷⁹ See J.S. Mill, *Chapters on Socialism*, (CW), V, p. 753.

⁵⁸⁰ See J. Gray, 'John Stuart Mill on the Theory of Property', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iii. 267.

⁵⁸¹ See J.G. Merquior, *O Liberalismo Antigo e Moderno*, (Rio de Janeiro: Editora Nova Fronteira, 1991), pp. 117- 18.

⁵⁸² See H.S. Jones, *Victorian Political Thought*, (Hong Kong: Macmillan, 2000), pp. 79-80.

thought that failure by the state to act might be as detrimental to society as excessive intervention. The concentration of wealth through accumulation across generations was one factor which prevented large sections of the population from achieving economic citizenship. Therefore, expedients to disperse property were essential. Mill regarded huge concentrations of property as inimical to liberty because they created a concentration of power, which led to oppression. Most importantly, he did not regard the right of inheritance as a necessary consequence of the notion of private property.⁵⁸³ In his view, it was not correct to assume that the property of those who died without making a disposition of it during their lifetime should pass to their children and nearest relations. This might be best in some circumstances, but should not be established as a legal presumption. As a rule, he argued that the state should grant a provision to secure the subsistence of the children of those who died without leaving a will, and use the surplus to supply the general purposes of society.⁵⁸⁴ The right of bequest was a different issue because each person had the right to give to any other person whatever they can produce or obtain in a fair market. Therefore, Mill's account of property can be seen as a neo-Lockean one because it 'makes a straightforward appeal to thrift, industry and risk-taking as grounds for rewards'.⁵⁸⁵ This appeal explains Mill's contrasting views about taxation of inheritance and income. He opposed progressive taxation of income on the grounds that it penalised those who worked harder, but supported progressive taxation of inheritance on the grounds that those who benefited from it were not the same people as those who had worked to produce it. The essential principle of property was 'to assure to all persons what they have produced by

⁵⁸³ See J.S. Mill, *Principles of Political Economy*, (CW), II, p. 218.

⁵⁸⁴ See J.S. Mill, *Principles of Political Economy*, (CW), II, pp. 222-23.

⁵⁸⁵ J. Gray, 'John Stuart Mill on the Theory of Property', p. 260.

their labour and accumulated by their abstinence'.⁵⁸⁶ Thus, for Mill, since land was a raw material not produced by labour, the proprietor of land must be someone who was able to improve it, otherwise there were no grounds for recognising his or her ownership. In order to further human improvement, the institution of property must change because human beings were driven by motives which were not the same at all times.⁵⁸⁷ Therefore, schemes of property rights should be flexible in order to allow people to experiment in their search for happiness.⁵⁸⁸ Mill's notion of property was intended to prevent extreme inequalities and parasitic behaviour and to promote love for work, an active mentality, and a balance of power. It was thus consistent with the idea that human flourishing demanded not only negative freedom but positive freedom as well.

Mill ultimately evaluated economic systems according to their capacity to secure freedom to all people under 'no restriction but that of not doing injury to others'.⁵⁸⁹ In view of this, Richard J. Arneson claims that, despite Mill's sympathetic approach to many aspects of the socialist critique of the property system, he was sceptical in relation to socialism because he saw it as a threat to individual liberty. Arneson is aware that Mill presented the choice between capitalism and socialism as a question to be settled in the future. Nonetheless, in Arneson's opinion, Mill presumed that socialism would increase the influence of collective decisions over individuals and augment the interdependence amongst them in a way that would be bound to restrict individual freedom.⁵⁹⁰ Arneson alleges that Mill's presumption is wrong because interdependence is a phenomenon present in privately-owned complex

⁵⁸⁶ J.S. Mill, *Principles of Political Economy*, (CW), II, p. 227.

⁵⁸⁷ See J. Gray, 'John Stuart Mill on the Theory of Property', p. 255.

⁵⁸⁸ See *ibid.*, p. 255-56.

⁵⁸⁹ J.S. Mill, *Principles of Political Economy*, (CW), III, p. 978.

modern industry and there is no evidence that it amounts to a restriction of individual freedom.⁵⁹¹ He also avers that Mill's fear of a homogeneous working classes tyrannising over the rest of society is groundless. For Arneson, the homogeneity of the working classes was based on solidarity against the employers. Hence, if socialism were introduced, such solidarity would come to an end, because there would be no employers to make it necessary.⁵⁹² Moreover, Arneson argues that there is no reason to expect exceptionally different effects from socialism in the realm of economic freedom because, both in capitalism and in the form of socialism Mill advocated, consumer demand determines what is produced.⁵⁹³ Arneson is certainly correct in claiming that Mill had reservations in relation to socialism, fearing that it could pose a threat to individual freedom. However, Arneson is wrong in thinking that Mill saw the augmentation of interdependence in socialism as the source of a threat to freedom.⁵⁹⁴ Since the publication of *Civilization* (1836), Mill had affirmed that the advance of civilization depended on the capacity of human beings to act together for common purposes. Interdependence considered in itself was, therefore, a good thing because it facilitated co-operation. In *Chapters on Socialism*, Mill feared a threat to freedom emanating from centralised and revolutionary forms of socialism, in which the state was a bureaucratic monster which allowed no opposition. Realising that such forms of socialism were becoming popular, he advocated the reform of capitalism and hoped for more favourable conditions in the future for the implementation of a decentralized form of socialism.

⁵⁹⁰ See R.J. Arneson, 'Mill's Doubts About Freedom Under Socialism', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iii. 272.

⁵⁹¹ See *ibid.*, p. 278.

⁵⁹² See *ibid.*, pp. 272, 282.

Mill's attitude towards socialism, as outlined in *Chapters on Socialism*, demands further clarification. Here, Mill addressed matters related to socialism and co-operatives which had emerged subsequent to his debates with the Owenites in the late 1820s. In the late 1830s, he expressed doubts about the possibility of co-operatives carrying forward the operations of industry independently of individual capitalists, but admitted that they could be important sources of education for the working classes.⁵⁹⁵ In the mid-1840s, Mill placed his chief hope for harmonising, at the same distant date, the interests of workers and employers in co-operative work and partnership.⁵⁹⁶ In the 1850s, he viewed co-operative work as a source of regeneration for society and reconsidered the unsympathetic tone of the first edition of *Principles of Political Economy* in relation to socialism. In a letter of 23 August 1858 to Frederick J. Furnivall, he said that the progress of co-operatives was slow because altruistic moral feelings were lacking.⁵⁹⁷ In the 1860s, Mill showed greater sympathy towards the co-operative cause, judging it essential to elevate the social dignity of those who worked with their own hands.⁵⁹⁸ In a letter of 25 September 1865 to John Boyd Kinnear, Mill contended that the growth of co-operation and the merging of labourers and employers into one class were important means of preventing hostilities between them.⁵⁹⁹ From these considerations, one can infer that Mill supported practices of co-operation from the 1840s and co-operative socialism from the early 1850s. Even in *Chapters on Socialism*, Mill continued to defend co-operative practices as antidotes to paternalistic doctrines and as

⁵⁹³ See *ibid.*, p. 275.

⁵⁹⁴ See *ibid.*, p. 283.

⁵⁹⁵ See G. Claeys, 'Justice, Independence, and Industrial Democracy: the Development of John Stuart Mill's Views on Socialism', in *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iii. 293.

⁵⁹⁶ See J.S. Mill, *The Claims of Labour*, (CW), IV, p. 382.

⁵⁹⁷ See J.S. Mill, *Later Letters 1849-1873*, (CW), XIV, p. 569.

⁵⁹⁸ See J.S. Mill, *Later Letters 1849-1873*, (CW), XV, pp. 832-33.

⁵⁹⁹ See J.S. Mill, *Later Letters 1849-1873*, (CW), XVI, p. 1103.

essential in promoting workers' independence. Nevertheless, in the last years of his life, Mill recognised that the growth of workers' co-operatives was taking place at a pace that was below his expectations, because the spirit of partnership was not rooted deeply enough in society to permit socialism to flourish. He held that, without the ascendancy of moral feelings of co-operation, the form of socialism he supported could not be adequately implemented. First, those who owned productive units would object to their division among others and their transformation into co-operatives. Second, free-riding and bad management could easily prevail under a form of socialism in which the spirit of altruism was absent. Assuming that society was not ripe for socialism, Mill's objective in *Chapters on Socialism* was to promote profit-sharing and land reform. As the economic and educational situation of the working classes was slowly improving, Mill thought it was worthwhile to advance reforms in capitalism. His reservations in relation to the immediate implementation of socialism were thus based on concerns which centred on both freedom and economics. Moreover, in *Chapters on Socialism*, Mill tried to draw support away from the revolutionary forms of socialism which aimed to change society quickly.⁶⁰⁰ Mill believed that those who wanted to change society at a single stroke 'must have a serene confidence in their own wisdom on the one hand and a recklessness of other people's sufferings on the other'.⁶⁰¹ His criticism of revolutionary socialists was based on the fact that they intended to subvert the existing social order, blandly assuming that their new order would solve the problems that the old failed to address.⁶⁰² Mill favoured reform because revolution implies wide-ranging changes in society and unpredictable consequences.⁶⁰³ Therefore, those who

⁶⁰⁰ See J.S. Mill, *Chapters on Socialism*, (CW), V, p. 738.

⁶⁰¹ Ibid., pp. 737-8.

⁶⁰² See *ibid.*, p. 737.

⁶⁰³ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 231.

supported revolutionary change in order to implement socialism were relying on untested beliefs.⁶⁰⁴ Mill's method of social reform anticipated what Karl Popper termed 'piecemeal social engineering'. The idea behind this is that gradual reforms can be democratically debated and controlled by society. This is why Mill's proposals for reforms in public health, industrial schemes, and the judicial system were less ambitious than those of Bentham and other utilitarians.⁶⁰⁵ Both Mill and Popper believe that democratic institutions are necessary to render governments accountable and to allow conflicts to be solved by critical reasoning and persuasion instead of by violence.⁶⁰⁶ Mill expected these democratic institutions to be present in the kind of socialism at which he aimed. Nevertheless, he stressed the need for co-operative practices within capitalism, because he saw no possibility of a secure transition to a democratic form of socialism in the near future. Mill disagreed with the defenders of centralised forms of socialism in relation to the nature of class conflict. He did not assume that class conflict generated a dynamic that necessarily evolved towards a classless society. Mill contended that it was necessary to strengthen the spirit of partnership and co-operation in capitalism because they were pre-conditions for socialism. The strengthening of altruistic feelings within capitalist society would make possible the gradual implementation of a socialist society. Gradualism was thus a central characteristic of Mill's approach to socialism, because he thought that it is not feasible to generate a democratic society based on revolutionary change. In 1848, both Mill and Marx argued for changes in capitalism in *Principles of Political Economy* and *Communist Manifesto*

⁶⁰⁴ See J.S. Mill, *Chapters on Socialism*, (CW), V, p. 737.

⁶⁰⁵ See I. Berlin, *Quatro Ensaios sobre a Liberdade*, (Brasília: Editora Universidade de Brasília, 1981), p. 181.

⁶⁰⁶ See A. Quinton, 'A Política Sem Essência', in A.de Crespigny & K.R. Minogue (eds), *Filosofia Política Contemporânea*, (Brasília: Editora Universidade de Brasília, 1979), p. 194.

respectively. They both pointed to contradictions and problems in capitalism, but they proposed different solutions:

Both envisage the emergence of a system in which the employer-employee relation would be non-existent. Yet they differed vitally in their prognostications concerning the manner in which the ultimate goal would be reached; whereas Marx, as is well known, believed that the passage would be marked by a violent rupture, Mill's guess was that it would be a gradual transition.⁶⁰⁷

Despite Mill's interest in promoting economic democracy, he was cautious in proposing social change because he believed that political action should respect, to a certain extent at least, pre-existing habits and sentiments.⁶⁰⁸ However, he did not reject in all circumstances, the use of violence to promote change. Mill thought that violence was justifiable where governments tyrannise people by denying them the use of peaceful means of communicating opinions, and where there was no legal means of redressing grievances.⁶⁰⁹ He added to these conditions the likelihood that the insurrection would be successful in the short and in the long run. He criticised the 1830 Revolution in France, alleging that its military success was not based on adequate preparation for a future good government.⁶¹⁰ Mill, on several occasions, showed support for the legitimacy to violence in resolving political conflicts. In the American Civil War, he thought the North was obliged to use force to crush the rebellion promoted by the South, because the South supported slavery

⁶⁰⁷ A. K. Dasgupta, *Epochs of Economic Theory*, (Oxford: Basil Blackwell, 1987), p. 75.

⁶⁰⁸ See J.S. Mill, *Vindication of the French Revolution of 1848*, (CW), XX, p. 346.

⁶⁰⁹ See G. Williams, 'J.S. Mill and Political Violence', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), iii. 239-45.

which he deemed a terrible form of oppression.⁶¹¹ In the French Revolution of 1789, he saw violence as the only means available to revolutionaries in extirpating the large amount of evil accumulated over the centuries in French society.⁶¹² Mill also deemed the use of violence acceptable in the 1848 Revolution in France, and admitted that the co-operative experiments that occurred at that time pushed him in the direction of socialism.⁶¹³ But he saw no case for resorting to violence to implement socialism in Britain, because the dynamic of British society permitted changes to be gradually implemented. Mill presumed that, if the masses - the group he deemed capable of achieving unchallengeable power in the mid-nineteenth century - used violence to establish socialism, the outcome would be terrible. There was a reason for this: the production of sudden, violent, and wide-ranging change in society required a massive use of power that led either to the total annihilation of other political forces or to a continuous conflict fuelled by bitter resentment and revenge. The revolutionary changes that occurred in the twentieth-century seem to show that Mill was correct in predicting that the ruling group of a new order abruptly implemented against settled expectations must increasingly concentrate power in its own hands in order to counter the fierce opposition of those who have lost property and power. This is why revolutionary changes normally lead to dictatorship. It is interesting to note that in his revolutionary theory, Marx contended that the dictatorship of the proletariat would be necessary after the overthrow of capitalist society in order to oppose the counter-revolutionary movement of the bourgeoisie and to consolidate the establishment of the new order. In Marx's view, socialism was the first stage in the transition from capitalism to

⁶¹⁰ See J.S. Mill, *Earlier Letters 1812-1848*, (CW), XII, p. 60.

⁶¹¹ See J.S. Mill, *The Contest in America*, (CW), XXI, p. 136.

⁶¹² See J.S. Mill, *The Close of the Session in France*, (CW), XXIII, p. 453.

⁶¹³ See J.S. Mill, *Autobiography*, (CW), I, pp. 240-41.

communism, and in which society was still marked by some characteristics of the market economy. The dictatorship of the proletariat should continue, according to Marx, from the moment of the seizure of power up to the moment of the withering away of the state and the abolition of class distinctions. Therefore, once exploitation had ended, the coercion of the proletarian dictatorship would be rendered unnecessary, and would disappear.⁶¹⁴ In *Critique of the Gotha Programme*, written in 1875, Marx advocated the need for the dictatorship of the proletariat as opposed to the existing dictatorship of the bourgeoisie. However, he had anticipated this view in *Class Struggle in France* (1850), which showed that the possibility of overcoming capitalism and implementing an alternative model of society was being debated in some circles in the mid-nineteenth century. Mill was not familiar with Marx's writings but, in *Chapters On Socialism*, he criticised ideas concerning revolutionary change in society that have a considerable similarity with those of Marx. There was a level of optimism in Marx's philosophy of history that exceeded by far anything that could be found in Mill. The so-called scientific socialism of Marx was grounded on the presumption that the internal contradictions of capitalism, which were expressed in the class struggle between bourgeoisie and proletariat, would push society towards the abolition of class distinctions. Hence, reasonable course of action for the proletariat was to organise itself in order to overthrow the ruling class, and thus perform the role of the midwife of history. There was a considerable degree of determinism in Marx's philosophy of history. Hence, Marx was able to justify the dictatorship of the proletariat on the grounds that it would further the movement of history towards communism. Marx offered no detailed description of the communist society he envisaged, but he expected it to be democratic and beneficial

⁶¹⁴ See T. Ball and R. Dagger, *Political Ideologies and The Democratic Ideal*, (New York: Longman, 1999), pp. 144-46.

to human flourishing. The very notion of the dictatorship of the proletariat implied the suffocation of diversity, which was at odds with Mill's idea of human flourishing. The truth is that Mill wanted to prevent drastic inequality in the socio-economic sphere without undermining political liberty, whereas Marx saw political liberty as a superstition.⁶¹⁵ Mill's political economy was designed to be applied in political systems that promoted participation in a broad sense.⁶¹⁶ For Mill, by participating in elections, voluntary associations, and juries, people acted in a public capacity and 'guide their conduct by aims which unite instead of isolating them from each other'.⁶¹⁷ He averred that those who cared for nobody but themselves and were not able to sympathise with others were condemned to unhappiness, while those who cultivated public spirit 'retain as lively an interest in life on the eve of death as in the vigour of youth and health'.⁶¹⁸ Mill's advocacy of civic virtues complemented his advocacy of a private sphere of conduct, in that he assumed that the exchange of experiences in the public sphere could help people to cultivate their own individuality. Therefore, there was no contradiction between self-cultivation and public spiritedness. A liberal-democratic civic culture required the existence of voluntary associations which would establish relations between individuals and strengthen their spirit of co-operation. These types of associations were unlikely to exist in centralised forms of socialism.

Mill's concern with democracy was at the heart of his political economy. He believed that the participation of people in the economic sphere was as beneficial to society as their

⁶¹⁵ See R. Aron, *As Etapas do Pensamento Sociológico*, (São Paulo: Martins Fontes, 1987), pp. 264-5.

⁶¹⁶ See D.E. Miller, 'John Stuart Mill's Civic Liberalism', *History of Political Thought*, 1 (2000), p. 90.

⁶¹⁷ J.S. Mill, *On Liberty*, (CW), XVIII, p. 305.

⁶¹⁸ J.S. Mill, *Utilitarianism*, (CW), X, p. 215.

participation in the political process. Moreover, he revised the doctrine of laissez-faire by allowing the state to provide basic education and to prevent those inequalities that led to the submission of some individuals to others. Mill wanted society to help the working classes to achieve a basic level of subsistence and education, because he thought that otherwise they would not be authentic citizens capable of making the informed choices that democratic societies demanded. Therefore, he linked self-government with economics, in that he assumed that democracy could not subsist where economic opportunities were not well distributed. He regarded the diffusion of intelligence amongst the governed as the best antidote to political slavery, but he knew that in many circumstances political slavery was caused by economic dependence and wretchedness. Mill supported the organisation of workers to increase wages and obtain other benefits on the grounds that it was important that their social condition and civic education be improved. However, Mill judged that ultimately it was necessary to overcome the division of society into payers and receivers of wages, because such a division was grounded on a relation of dependence that produced class hostility. He defended a type of market socialism, a decentralised system of worker co-operatives competing among themselves, as a solution to this problem. He believed that competition should exist in socialism, because competition was necessary to prevent idleness and monopoly. Mill moderated his defence of socialism, in *Chapters on Socialism*, fearing the increasing popularity of centralised and revolutionary forms of socialism that posed a threat to freedom, and believing that moral feelings of co-operation were not sufficiently rooted in society to allow socialism to be successfully implemented. In *Chapters on Socialism*, he favoured land reform and profit-sharing as necessary steps to improve the situation of the working classes and prepare them for the implementation of socialism in the distant future. For Mill, economic democracy presupposed economic

freedom, the absence of massive concentrations of wealth, and the existence of intermediary bodies in society. He favoured the creation of various centres of power in order to eliminate the possibility of tyranny both in the political and in the economic sphere. The idea of having intermediary bodies which would operate to counterbalance the power of the state and prevent despotism was not one Mill invented. Montesquieu, for example, believed that the power of the clergy and of the nobility was essential in preventing the despotism of princes. Tocqueville stressed the importance of religious, ethical, scientific, industrial, commercial, and political associations in fomenting public spiritedness and independence in American social life.⁶¹⁹ For both Tocqueville and Mill the formation of associations was important in preventing individuals from becoming impotent before the power of the state. However, Mill expressed concerns not only in relation to political despotism, but also in relation to social despotism. He saw co-operatives of workers, co-operatives of consumers, and unions as intermediary bodies based on voluntary association and designed, above all, to prevent economic despotism, which was as much a threat to individuality as political despotism. Mill's account of economic democracy was marked by a preoccupation to prevent the control of society by private monopolies. He was not a leveller, however, and presumed that once primary education and subsistence were accessible to everyone, people would be prepared to participate fully in the life of democratic societies, and this in turn would favour the diversification of tastes and opinion and the reduction of economic inequality. In defending a positive agenda for the state, Mill intended to minimize inequality due to birth which he deemed an artificial barrier to people's improvement. However, he was not a paternalist, but a radical who believed that

⁶¹⁹ See N. Bobbio, *Teoria Geral da Política*, pp. 331-33.

personal responsibility should be a characteristic of all classes.⁶²⁰ In point of fact, Mill believed that freedom and economic democracy were essential to the well-being of society. This was why he asserted that good social arrangements were those which ‘make the scale turn in favour of equality, whenever this can be done without impairing the security of the property which is the product of personal exertion’.⁶²¹ Mill marshalled a utilitarian argument against drastic economic inequality: it distorted the market place and created luxury and snobbishness in one spectrum of society and envy and resentment in the other. A society marked by severe inequality could not provide security for its members, which was a very important social utility and one of the most vital interests of human beings.⁶²² In the end, Mill anticipated the twentieth-century notion that democracy is a social concept and not merely a political one.

5.5. CONCLUSION

It was a characteristic of the thought of Locke and of the Scottish Enlightenment that the state could be a threat to individual freedom and an embarrassment to the productive process. In the nineteenth-century, this view, and in particular the fear of tyranny, continued to influence many of those who wished to restrict the activities of government. Mill shared such a fear but did not see the state as the only possible source of oppression. He was aware that private monopolies were sometimes less responsive to people’s demands than governmental ones. He also regarded the concentration of economic power as dangerous to society because it destroyed the autonomy of those who were obliged to sell

⁶²⁰ See P. Schwartz, *The New Political Economy of J.S. Mill*, p. 195.

⁶²¹ J.S. Mill, *Vindication of the French Revolution of 1848*, (CW), XX, p. 354.

their labour at any price. Such a concentration of economic power had to be avoided, because not doing so would condemn individuals to conformism and servility, which Mill deemed to be fundamentally opposed to human dignity. Although recognising the necessity of state intervention to combat severe poverty and illiteracy, Mill wanted such intervention neither to discourage private initiative nor to overcharge the state. Mill aimed at a socialist society in which co-operatives would compete in a free market and individuals would devote themselves to noble intellectual pursuits. He accepted, nonetheless, that such a society should be preceded by reforms in capitalism that would alter the system of property, prevent undue accumulation of wealth across generations, and promote the participation of workers in the productive process and in the division of its produce. In the end, Mill advanced a conception in which the flourishing of individual freedom could not be separated from the creation and distribution of wealth.

⁶²² See J.S. Mill, *Utilitarianism*, (CW), X, p. 259.

CHAPTER 6

MILL ON UTILITY AND DEMOCRACY

6.1. INTRODUCTION

In this chapter, it will be shown that Mill believed that the exercise of people's deliberative powers was inextricably linked to their happiness, so that an advance in the use of critical reasoning would lead to an increase of well-being in society. Mill believed that the practice of critical reasoning would permeate social life only if debate and discussion were institutionalised. The realisation of the values attached to his conceptions of utility, autonomy, and democracy ultimately depended, therefore, on such institutionalisation. Democracy could function satisfactorily only if diversity existed in society, and if no agency in society was strong enough to exercise an all-encompassing power. The existence of a balance of power in society was important not only to Mill's account of political institutions, but also to his account of ethics.

The second section will show that Mill's conception of utility is sharply differentiated from that of the neo-classical economists, in that Mill saw utility as a moral category and

not as a strictly economic category which reduced the value of goods to their ability to fulfil desires. Mill's utilitarianism was grounded on a conception of human beings as social animals, who had a sense of dignity that permitted them, when not misguided, to identify as the highest pleasures those pleasures associated with strengthening their deliberative powers and with their capacity to socialize. Mill argued that education should be used to strengthen these social feelings, and thereby encourage the diffusion of an altruistic mentality in which moral agents saw the happiness of others as being as valuable as their own. This section outlines Mill's view that virtue and justice were sub-classes of utility, which was the ultimate foundation of morality.

In the third section, it will be argued that Mill did not present a developed account of how overall utility should be calculated because he believed that, once political institutions were structured to promote public debate and respect for minorities, society would reach a consensus about which activities would permit the experience of higher pleasures. He believed that such a consensus would tend progressively to eliminate political conflicts, and he inferred that such a consensus would come about because of his Socratic belief that knowledge necessarily led to correct moral decisions.

The fourth section will render it evident that Mill failed to consider the possibility that people's higher capacities of imagination and reasoning might be used to inflict harm on society, in that he believed that intellectual advances necessarily made people more altruistic. Mill failed to establish a clear-cut differentiation between private and public actions, but offered some important indications of when society should interfere in people's lives. Despite not having provided a complete account of the relationship between freedom

and utility, Mill did recognise the importance of liberty both for the enhancement of individuality and for social progress. He stressed the importance of freedom as an intrinsic part of human happiness, and demanded a diversified social environment in which people had opportunities to find the way of life they believed most suitable for them.

In the fifth section, it will be argued that Mill's ethical discourse was consistent with his defence of gradualism in social change. Mill opposed the idea that there was no good reason to preoccupy oneself with the limits of power because the will of governors corresponded to the will of the governed. For Mill, it was essential that democratic societies possessed institutions that prevented uniformity and allowed governments to be removed from office when acting against the will of the governed.

The concluding section will show that Mill inextricably connected the happiness of society both with the advance of critical reasoning and with the possibility of eliminating or weakening the process of standardisation which he identified as a feature of the nineteenth century. He believed that democracy ultimately depended on the institutionalisation of debate in society, which was possible only where no single power was able to control society as a whole.

6.2. MILL'S CONCEPTION OF UTILITY

At the very beginning of *Utilitarianism*, Mill stated that moral speculation had not progressed sufficiently to solve the controversy regarding the criterion of right and

wrong.⁶²³ Disputes regarding the foundations of morality divided the thinkers of his time as it had divided Socrates and the Sophists. In *Utilitarianism*, Mill's intention was to present the philosophical grounds for the principle of utility, and to show that the prevailing understanding of utilitarianism was a gross misconception.⁶²⁴ For Mill, the question of the foundations of morality could not be 'proved' in the ordinary meaning of the term. This was why he said that any thing which 'can be proved to be good, must be so by being shown to be a means to something admitted to be good without proof'.⁶²⁵ Thus, the first principle of morality could not be proved in a direct and strict sense, but could be proved in a general sense. Therefore, to prove in this context was to offer reasons for the conviction that certain actions or rules were conducive to something admitted to be good. The possibility of offering such reasons created grounds for a rational debate on the ultimate principle of morality, which Mill deemed important in order to prevent ethics from becoming a mere source of corroboration of the dominant feelings in society.

The notion of utility Mill worked out in *Utilitarianism* differs from the notion of utility currently used in the field of economics, where utility designates the properties that things have to satisfy individual desires.⁶²⁶ To value things based on their utility is to value them according to the need people have of them. This meaning of utility is based on the conceptions of the marginalist (i.e. neo-classical) school of C. Menger and L. Walras, who attributed the value of goods not to the cost of production, as did the classical economists, but to subjective factors. It is the fact that people demand the goods in question that establishes their value, and not the objective properties of the goods considered in

⁶²³ See J.S Mill, *Utilitarianism*, (CW), X, p. 205.

⁶²⁴ See *ibid.*, p. 208.

⁶²⁵ *Ibid.*, pp. 207-8.

themselves. The marginalist school is criticised for having formulated a new conception of economic science that portrays economic agents as those who maximise satisfaction and minimise effort. Such a conception is intended to free the study of economics from the moral concerns present in classical economics, and thereby to create a 'purely scientific' economic theory in which mathematical models have a central role.⁶²⁷ The opponents of this 'purification' regard it as an attempt to legitimise unhindered forms of the market economy, based on the view that self-interest is the main force moving society. Many contemporary commentators equate utilitarianism with the notion of utility developed by the neo-classical school. This is wrong for two main reasons: first, because the utilitarians were among the thinkers who demanded state intervention in order to prevent the negative consequences produced by an unconstrained market economy; second, because the utilitarians used the word utility as a moral category and not as a strictly economic category which values goods according to their ability to fulfil desires. It is worth noting that Mill wrote *Utilitarianism* precisely to combat the idea that utilitarianism favoured selfishness, insensitivity to aesthetics and attachment to physical pleasure. He dedicated a significant part of *Utilitarianism* to opposing those who thought that utilitarianism advocated the pursuit of degrading forms of pleasure. He pointed out that utilitarianism was a moral philosophy based on the conviction that pleasure and avoidance of pain were the only things desirable as ends, and that things were desirable when they were pleasurable in themselves or were a means of promoting pleasure or avoiding pain. Mill emphasised the point that pleasures which satisfied human beings were more elevated than those which satisfied animals, because human beings had more sophisticated faculties. He assigned

⁶²⁶ See J.J. Goux, 'Utility: Equivocation and Demoralisation', *Discourse*, 23.3 (2001), p. 4.

⁶²⁷ See J. Lajugie, *As Doutrinas Econômicas*, (São Paulo: Difel, 1981), pp. 66-8.

more value to intellectual pleasures than to mere bodily ones, because the former were more permanent and therefore better able to fulfil people's desire for happiness. Mill presented utilitarianism in the following manner:

The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure.⁶²⁸

Mill argued that the principle of utility recognised that some sorts of pleasures were more desirable and valuable than others. He considered it inappropriate to judge pleasures based solely on quantity. But what made one pleasure more valuable than another? Mill argued that one pleasure was superior to another when those acquainted with both pleasures either 1) preferred one of them even when they knew that its enjoyment would be accompanied by a greater amount of discontent than the enjoyment of the other; or 2) rejected the possibility of resigning the enjoyment of one of them for any quantity of the other.⁶²⁹ In any case, the ultimate criterion used to evaluate pleasures and pains was the suffrage of those who were familiar with them.⁶³⁰ Mill contended that people would choose pleasures that employed their higher faculties, rather than contenting themselves with physical pleasures, because people had a sense of dignity which allowed them to understand that higher pleasures were necessary to their true happiness. He argued that when men and women

⁶²⁸ J.S. Mill, *Utilitarianism*, (CW), X, p. 210.

⁶²⁹ See *ibid.*, p. 211.

pursued lower pleasures they did so from infirmity of character.⁶³¹ In fact, Mill claimed that people became addicted to lower enjoyments because they had not been exposed to a milieu where they might have gained familiarity with higher pleasures. He claimed, moreover, that it was the higher pleasures which were truly compatible with the elevated demands of human dignity:

It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides.⁶³²

Mill portrayed utilitarianism as a moral system that demanded nobleness of character because it aimed to maximise not the agent's own happiness, but the overall amount of happiness. The rules grounded on the principle of utility were intended to secure a happy existence for all human beings, that is one in which the enjoyment of a variety of pleasures outweighed the suffering of transitory pains. Mill believed that indigence and poor education were the main factors preventing people from attaining the happiness that would otherwise be within their reach. The cultivation of elevated human faculties occurred only when people cultivated sympathy for the collective interests of mankind.⁶³³ Hence a social environment in which altruistic feelings were widespread tended to favour the general happiness because it allowed people to be enriched by the experiences of their fellow

⁶³⁰ See *ibid.*, p. 213.

⁶³¹ See *ibid.*, pp. 212-13.

⁶³² *Ibid.*, p. 212.

⁶³³ See *ibid.*, p. 212.

citizens. Mill thought that the all-encompassing power of education and public opinion should be used to convince every individual that their personal happiness was inextricably linked to the happiness of all. He expected that the development of an altruistic mentality would lead the moral agent to be an impartial spectator who considered his own happiness and the happiness of others equally. Based on this expectation, Mill affirmed that:

In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by, and to love your neighbour as yourself, constitute the ideal perfection of utilitarian morality.⁶³⁴

Mill criticised those opponents of utilitarianism who thought that the doctrine required moral agents to keep the general interest of society in mind whenever they performed an action. He thought that these critics confused the utilitarian rule of action with the motives possessed by individuals. Thus, one ‘who saves a fellow-creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble’.⁶³⁵ As a system of ethics, utilitarianism offered a standard for people to test their actions against. The test of utility ‘is to be applied, not to specific questions, but to the whole system of rules or codes of conduct’.⁶³⁶ Nonetheless, utility neither determined people’s motives nor demanded that they had their minds constantly fixed upon the welfare of society at large. Utilitarianism required a constant focus on the general happiness only from those whose actions had an extensive influence over society. As far as people in general were concerned, it required them to act in such ways as to benefit those around them and

⁶³⁴ Ibid., p. 218.

⁶³⁵ Ibid., p. 219.

not to harm others. Mill, therefore, did not advocate a straightforward appeal to the principle of utility to judge each human act. The establishment of moral obligations might be based on secondary principles derived from the previous experience of mankind, and the principle of utility appealed to when conflicts between those subordinate principles took place. For Mill, the ethical improvement of mankind depended on the continual adjustment of secondary rules of conduct to the principle of utility, which remained the supreme criterion of morality. This was why Mill argued that the will of God could be accepted as a criterion of morality only if it satisfied the demands of utility.⁶³⁷ He accepted, nevertheless, that the complexity of human nature made it necessary, as was the case with other ethical systems, to provide room for exceptions from the secondary rules.⁶³⁸

In his investigation of moral phenomenon, Mill recognised that people tended to regard as self-evident the moral standard that was accepted by the dominant opinion in society. People's sentiments indicated to them that they were bound to do certain things and not to do others, but they did not relate moral obligations to any sort of general principle. Moral theorists, however, had to make explicit the standard by which they judged moral obligations, because they could not ignore the question of the foundation of morality. Mill pointed out that systems of morality, including utilitarianism, relied on both external and internal sanctions. The external sanctions were the fear that people had of condemnation from other people or from God, and the hope of favouring those with whom they sympathised, whereas the internal sanction was a painful feeling affecting people's minds when they violated moral duties. Intuitionists claimed that this painful feeling was innate

⁶³⁶ J. Gray, *Hayek on Liberty*, (London: Basil Blackwell, 1984), p. 96.

⁶³⁷ See J.S. Mill, *Utilitarianism*, (CW), X, p. 222.

and derived from the consideration people had for the interests of their fellow-creatures. Mill thought that these moralists correctly perceived the link between the moral feeling and the happiness of others, but failed to see that the moral was acquired by the influence of a variety of factors on the character of the individual. He claimed that the utilitarian principle was founded on the social feelings of human beings, which inclined each one of them to unity with the other members of society.⁶³⁹ The influence of these feelings progressively established an equal consideration on the part of each for the interests of all, the deepening of social ties, and the strengthening of the spirit of co-operation. Mill argued that education should be used to inculcate the principle of utility in people's minds and, as a result, contribute to the diminution of the influence of selfish feelings in society.⁶⁴⁰ He saw the social feelings of mankind as the ultimate sanction of utilitarianism, because they were not perceived as something 'despotically imposed by the power of society, but as an attribute which it would not be well for them to be without'.⁶⁴¹ Mill thought that these feelings would possess the social force of a religion if they were buttressed by education and encouraged by public opinion.

Mill recognised that questions about the first principles of conduct were questions about what was desirable, and that these principles could be proved in the ordinary sense of the word. To prove, in the context of the utilitarian morality, was to offer reasons, which consisted in showing that rules were conducive to something desirable. Hence, Mill concluded that the fact that each person desired happiness, so far as he or she judged it

⁶³⁸ See *ibid.*, p. 225.

⁶³⁹ See *ibid.*, p. 231.

⁶⁴⁰ See *ibid.*, p. 233.

⁶⁴¹ *Ibid.*, p. 212.

attainable, proved that happiness was desirable, and the fact that each person's happiness was a good for himself or for herself proves that the general happiness is a good to the aggregate of all persons.⁶⁴² He claimed, nonetheless, that this did not mean that things other than happiness might not be desired in themselves, for happiness was made up of a variety of elements, of which 'each of them is desired in itself, and not merely when considered as swelling an aggregate'.⁶⁴³ Virtue, for example, might be desired both as a means to happiness and as a part of happiness. In any event, a desire for virtue or for other objects in life was equivalent to thinking of them as pleasant; and an aversion to them was equivalent to thinking of them as painful. Therefore, for Mill, the fact that the desirability of virtue could be established only by resorting to considerations of pleasure and pain provided reasons for people to accept the principle of utility as the foundational criterion of morality.⁶⁴⁴

Mill is accused of having committed two fallacies: first, the naturalistic fallacy, the error involved in saying that the term 'desirable' has the same relation to the term 'desired' as the term 'visible' has to the term 'seen'; and second, the fallacy of composition, the error involved in saying that the happiness of everyone is good for all because each individual's happiness is good for that individual.⁶⁴⁵ In his attempt to 'prove' utilitarianism in the fourth chapter of *Utilitarianism*, Mill appeared to hold that a value judgement (what is desirable) followed deductively from a purely factual statement (what is desired). Mill did not, however, make this move. Mill repeatedly stated in *Utilitarianism* that a strict 'proof' of

⁶⁴² See *ibid.*, p. 234.

⁶⁴³ *Ibid.*, p. 235.

⁶⁴⁴ See *ibid.*, p. 237.

the principle of utility was impossible.⁶⁴⁶ What he in fact intended to argue was that there existed no moral faculty capable of supplying an 'a priori' general ethical principle, so that one 'can only find out what is desirable by seeking to find out what is actually desired'.⁶⁴⁷ Thus, Mill did not equate desirableness with desiredness, but was simply asserting his ethical naturalism when stating that 'the sole evidence it is possible to produce that anything is desirable, is that people do actually desire it'.⁶⁴⁸ He argued that no human being would insist that the aim of his or her life was to be unhappy, so that the pursuit of happiness was already a 'common denominator which binds men together'.⁶⁴⁹ He thus left the task of showing that people behaved otherwise to his opponents. This did not mean, however, that Mill believed that each individual actually saw the happiness of all as a good, but he certainly thought that in a well-ordered society the general happiness would be a good to the aggregate of all persons.

Mill identified the notion of justice as one of the major obstacles to the recognition of the principle of utility as the criterion of right and wrong. He acknowledged that human beings had natural feelings of justice, but stressed that such an acknowledgement did not mean that he accepted the view that justice was the ultimate criterion of morality.⁶⁵⁰ Mill identified the main conceptions of justice and injustice in order to examine their suitability as the ultimate criterion of morality: 1) it was just to respect the legal rights of other people, and

⁶⁴⁵ See D.D. Raphael, 'Fallacies in and about Mill's *Utilitarianism*', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), i. 52.

⁶⁴⁶ See R.F. Atkinson, 'J.S. Mill's "Proof" of the Principle of Utility', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), i. 64.

⁶⁴⁷ E.W. Hall, 'The "Proof" of utility in Bentham and Mill', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), i. 27.

⁶⁴⁸ J.S. Mill, *Utilitarianism*, (CW), X, p. 234.

⁶⁴⁹ T. Fuller, 'John Stuart Mill and The Transformation of Politics in Representative Government, Utilitarianism and On Liberty', (Baltimore: Ph.D, 1971), p. 183.

unjust to disrespect them; 2) it was just to give to each person what he or she deserved, and unjust not to do so; 3) it was just to keep promises, and unjust to break them; and 4) it was just to be impartial, and unjust to show favour or preference to one person over another.⁶⁵¹

He detected problems in each of these conceptions. 1) Justice could not be equated with legality because it was universally admitted that legal rights might belong to people who ought not to have them. This implied that existed a criterion other than legality whereby one could judge whether people ought or ought not to have certain rights. 2) If justice depended on desert, the real criterion of morality was that which established what constituted desert. 3) The keeping of promises could not be regarded as the ultimate criterion of morality because it was widely accepted that promises could be broken in certain circumstances. 4) Impartiality was instrumental in solving moral issues, but it was not in itself a standard of morality. A tribunal must be impartial in order to award a disputed object to one or other of two contending parties, but impartiality was not the standard by means of which disputes were resolved. Besides, preference and favour were not always censurable.

After examining these conceptions of justice, Mill concluded that justice was a criterion of morality subordinate to that of utility. He observed that, based on one conception of justice, one person could defend, for example, the notion that the produce of labour should be equally shared; while another person could claim, based on a different conception of justice, that those who produced more should receive a larger share in the distribution of the produce. He also referred to the fact that it was universally acknowledged to be just that a

⁶⁵⁰ See J.S. Mill, *Utilitarianism*, (CW), X, p. 240.

⁶⁵¹ See *ibid.*, pp. 241- 44.

merchant should charge all customers the same price for the same article, while virtually no one would advocate this criterion of justice to taxation.⁶⁵² In Mill's view, the conception of justice referred to in cases such as these provided no solution to the problems presented, which he argued could be solved only by appealing to the principle of utility. Nonetheless, demands of justice stirred up powerful feelings because they implied 'something which is not only right to do, and wrong not to do, but which some individual person can claim from us as his moral right'.⁶⁵³ Justice related to duties that one might be obliged to fulfil, but not to acts which people judged should be performed, but which could not be exacted as an obligation. Mill explained that sentiments of justice were powerful because they were rooted in the impulse of self-defence and the feeling of sympathy. The impulse of self-defence led people to retaliate against any harm done to themselves, while the feeling of sympathy led them to broaden the desire of revenge towards acts that were harmful to society at large.⁶⁵⁴ Thus, the idea of justice presupposed a rule of conduct and a sentiment that sanctioned it, but what was at stake, in the end, was the compliance of people to rules that were essential to the general well-being. In view of this, justice could be seen as branch of utility:

I account the justice which is grounded on utility to be the chief part, and incomparably the most sacred binding part, of all morality. Justice is a name for certain classes of moral rules, which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life; and the notion which we have found to be the essence of the

⁶⁵² See *ibid.*, p. 254.

⁶⁵³ *Ibid.*, p. 247.

idea of justice, that of right residing in an individual, implies and testifies to this more binding obligation.⁶⁵⁵

Obligations of justice were correlative to rights, which arose from the importance that society attached to preserving the conditions necessary for life in community. Rights existed in order to establish an institutional framework which secured people's expectations of living without being harmed by others and enjoying an equal claim to all means of happiness. In the final analysis, Mill argued that 'justice' represented such moral requirements as 'stand higher in the scale of social utility, and are therefore of more paramount obligation than any others; though particular cases may occur in which some other social duty is so important, as to overrule any one of the general maxims of justice'.⁶⁵⁶

6.3. REFLECTIONS ON MILL'S CONCEPT OF UTILITY

Bentham argued that pleasure was comprised of a number of dimensions, namely intensity, duration, certainty, propinquity, fecundity, purity, and extent. Nonetheless, he insisted that, whatever its source, no pleasure was intrinsically better than any other.⁶⁵⁷ Mill disagreed with Bentham, in that he identified the existence of qualitative differences among pleasures. Mill's qualitative account of pleasure made the task of measuring general utility more complicated in that it offered no possibility of a straightforward arithmetical approach to

⁶⁵⁴ See *ibid.*, p. 248-9.

⁶⁵⁵ *Ibid.*, p. 255.

⁶⁵⁶ *Ibid.*, p. 259.

the calculation of pleasure and pain. However, Mill's version of utilitarianism still required an estimation of overall utility, as well as the identification of higher pleasures, which were instrumental for the improvement of individuals and societies. Utilitarianism is commonly perceived as an ethical system that has an aggregative dimension because it presupposes that overall utility is calculable.⁶⁵⁸ Mill showed how to differentiate between higher and lower pleasures precisely because he judged such differentiation essential to the process of estimating general utility. He followed Plato's idea, according to which different types of pleasure corresponded to the exercise of different human faculties.⁶⁵⁹ Plato and Mill both believed that the more one exercised one's higher faculties, the more one enjoyed higher pleasures.⁶⁶⁰ But Plato grounded his account of pleasure on the notion that human beings were essentially *psyche*, that is spiritual entities, and only accidentally physical beings. In this sense, intellectual pleasures were superior to physical ones because they were associated with what human beings really were, while physical pleasures were associated with the body, that is a non-essential component of human beings. Mill's commitment to empiricism prevented him from adopting Plato's anthropological premise, although he did accept some of its consequences. One can legitimately question whether or not Mill's adoption of Platonic notions led him to smuggle 'into his liberal theory a teleological conception of human fulfilment, framing it in utilitarian terms, so that what people desire is identified with the end of humanity which reason enjoins us to realize'.⁶⁶¹ If this was the case, then Mill's agreement with Bentham was merely verbal. But before reaching a

⁶⁵⁷ See J. Bentham, *An Introduction to the Principles of Morals and Legislation*, J.H. Burns and H.L.A. Hart (eds), *Collected Works of Jeremy Bentham*, (Oxford: Oxford University Press, 1996), pp. 38-40.

⁶⁵⁸ See G. Scarre, *Utilitarianism*, (London: Routledge, 1996), pp. 14 -18.

⁶⁵⁹ See Plato, *The Republic*, 580d and 583a.

⁶⁶⁰ See B. Gibbs, 'Higher and Lower Pleasures', in G.W. Smith (ed), *John Stuart Mill's Social and Political Thought: Critical Assessments*, 4 vols., (London: Routledge, 1998), i. 162-3.

⁶⁶¹ R. Bellamy, *Rethinking Liberalism*, (London and New York: Pinter, 2000), p. 30.

conclusion regarding Mill's faithfulness to the Benthamite tradition, it is worth noting that he related happiness mainly to 'the energetic exercise of intelligence, imagination and skill, and the practice of the moral virtues'.⁶⁶² Mill grounded the superiority of intellectual pleasures on the fact that they strengthened the outstanding human faculty namely, that of sympathy with the entirety of society. The lower pleasures were considered passive because they tended to confine individuals to their immediate interests, while the superior pleasures impelled individuals to all sorts of experiments beyond the perspective of a narrow self-interest. Familiarity with important events of history, the achievements of art, and facts relevant to society, led individuals to see themselves as part of humanity as a whole.⁶⁶³ Ultimately, the higher pleasures were preferable to the lower ones because they refined the character of individuals by increasing their sympathy for their fellow citizens and allowing them to benefit from the experience of others. Thus, individual enhancement depended on the cumulative development of the community.⁶⁶⁴ Mill saw individual enhancement as a consequence of the unique potential of human beings to make decisions, change things, and be conscious of their capacities and limitations.⁶⁶⁵ But he stressed the point that the exercise of analytic reasoning was not the only way to lead one to sympathise with mankind. He also argued that one could sympathise with mankind by taking inspiration 'from those who, as poets or artists, can clothe those feelings in the most beautiful forms, and breathe them into us through our imagination and our sensations'.⁶⁶⁶

⁶⁶² B. Gibbs, 'Higher and Lower Pleasures', p. 164.

⁶⁶³ See J.S. Mill, *Utilitarianism*, (CW), X, pp. 216-17.

⁶⁶⁴ See D. Habibi, 'J.S. Mill's Revisionist Utilitarianism', *The British Journal for the History of Philosophy*, 1 (1998), p. 107.

⁶⁶⁵ See *ibid.*, p. 97.

⁶⁶⁶ J.S. Mill, *Essays on Philosophy and The Classics*, (CW), XI, p. 150.

The claim that higher pleasures helped to create a sense of oneness amongst human beings by leading them to exercise their deliberative capacities did not eliminate the need for the hedonic calculus. Despite Mill's translation of the Platonic account of pleasure into the language of empiricism, the calculation of general utility in his qualitative utilitarianism relied, ultimately, on the word of experts. This does not appear to offer a clear solution for those who need to estimate the general happiness. It has been claimed that Mill made readers 'puzzled over how one is to assess and measure quality and how it is to be compared with and balanced against quantity'.⁶⁶⁷ However, the problem is not that Mill offered no criterion to evaluate pleasures, but that he did not thoroughly address the implications for the hedonic calculus of the adoption of a qualitative account of pleasure. In order to understand why Mill did not examine the implications of his conception of utilitarianism for the hedonic calculus, it is necessary to look in more detail at his moral theory.

In the first chapter of *Utilitarianism*, Mill claimed that Socrates defended utilitarianism against the popular morality of the so-called Sophists.⁶⁶⁸ This is certainly a controversial claim, but it has the merit of calling attention to the relationship between the moral conceptions of Mill and Socrates. Socrates is the father of the western philosophical conception of individuality. For him, the individual was a rational being and, because of this, able to make genuine choices and be responsible for them. Socrates adopted a type of moral intellectualism according to which knowledge was the criterion by which the morality of human actions should be judged. Hence, he argued that an action was right

⁶⁶⁷ W.H. Shaw, *Contemporary Ethics: Taking Account of Utilitarianism*, (Oxford: Blackwell, 1999), p. 43.

⁶⁶⁸ See J.S. Mill, *Utilitarianism*, (CW), X, p. 205.

when it was performed with a correct knowledge of reality, and wrong when it was performed out of ignorance.⁶⁶⁹ In assuming that once people knew what was good they would try to pursue it, Socrates linked moral reform to intellectual enlightenment.⁶⁷⁰ He argued that moral choices had to be preceded by a reflective attempt to recognise what was right and wrong, because, in the end, virtue was derived from knowledge and vice from ignorance. Socrates regarded self-examination as essential in freeing individuals from prejudice, by which he meant ungrounded beliefs. Socrates applied a question-and-answer (dialectic) method in his intellectual disputes, with the aim of ridding people of false knowledge. The point was to pursue truth through discussion. In the context of the Socratic method, dialogue was not a point-scoring competition between opponents, as it was to the Sophists, but a means to gain understanding of the human soul. The first stage of Socrates' dialectic method was intended to help debaters identify their own inconsistencies and those of their opponents.⁶⁷¹ This destructive stage made them aware of their ignorance, which was a prerequisite for the acquisition of genuine knowledge. The second stage was intended to give birth to knowledge. Socrates saw his role in life as that of an intellectual obstetrician who assisted people in delivering the truth from their souls, and in putting their ideas and ways of life under the scrutiny of reason. He developed an optimistic moral theory, which was grounded on a strong confidence in the role of reason. For him, human beings asserted themselves by exerting their deliberative capacities. This idea was similarly pervasive in Mill's works. In *Considerations on Representative Government*, Mill argued that one of the most important roles of government was to secure a social framework in which citizens

⁶⁶⁹ See J. Coleman, *A History of Political Thought: From Ancient Greece to Early Christianity*, (London: Blackwell Publishers, 2000), p. 65.

⁶⁷⁰ See *ibid.*, p. 67.

⁶⁷¹ See G. Reale, *História da Filosofia Antiga*, 5 vols., (São Paulo: Edições Loyola, 1995), i. 310-16.

could develop their moral capacities by exercising their power of deliberation.⁶⁷² In *The Subjection of Women*, he criticised the exclusion of women from the public sphere on the grounds that it deprived society of their talents and impeded them from enhancing their rational-deliberative powers.⁶⁷³ In *On Liberty*, he praised the active character, the choice-maker whose main trait was the possession of a developed capacity for deliberation.⁶⁷⁴ In *Principles of Political Economy*, he advocated the creation of co-operatives of workers on the grounds that this gave them the opportunity to increase their deliberative powers by participating in administration.⁶⁷⁵ In *Utilitarianism*, he expressed confidence in people's powers of deliberation when they lived in an environment that made enriching social exchanges possible for them. When the atmosphere in which people lived offered only lower stimuli, their capacity for nobler enjoyments died away. Mill defined 'infirmity of character' as the lack of a capacity to experience elevated pleasures.⁶⁷⁶ He was confident that, if members of society had the opportunity to act according to high-minded ideals, they would tend to make choices which were compatible with such ideals. Mill was not proposing a deterministic conception of the relationship between human beings and the social circumstances in which they were situated. However, he believed that the existence of a diversified and elevated intellectual environment would stimulate human beings' higher faculties, and allow them to discover the path to self-fulfilment. For Mill, it was not circumstances that forced individuals to make right choices, but rather individuals who make right choices when the circumstances put them in a position to appreciate what pursuits or activities would engage their higher faculties. Thus, both Socrates and Mill saw

⁶⁷² See above, Chapter III, pp. 148-51.

⁶⁷³ See above, Chapter IV, pp. 199-200.

⁶⁷⁴ See J.S. Mill, *On Liberty*, (CW), XVIII, pp. 262-64.

⁶⁷⁵ See above, Chapter V, pp. 208-11.

knowledge as fundamental to the morality of human action. Mill assumed that, when human beings were endowed with knowledge, they would act according to it. This explains his unwavering belief in education in a broader sense, that is both in the sense of formal schooling and in the sense of the whole set of formative influences that surrounds individuals.⁶⁷⁷ Mill wanted people to pursue the sort of experiences that would provide the most suitable stimuli for their personal search for happiness. Nevertheless, he accepted that certain kinds of 'goods', such as freedom to deliberate and express opinions, proper nourishment, and access to basic education, were constitutive parts of happiness, so that their absence compromised the personal well-being of individuals as well as that of society.⁶⁷⁸ In this respect Mill's conception of happiness was different from that of Socrates, who understood it as an internal harmony, derived from the control of reason over the appetites. Mill adopted the Aristotelian thesis that social arrangements were vital either in encouraging or in hindering the natural inclination of human beings to self-realization. Mill saw the goods mentioned above as objective prerequisites for the existence of a genuine sociability, which rendered the long-term development of people's deliberative capacities viable.⁶⁷⁹ These deliberative capacities were an objective part of happiness because there could be no happiness where human beings were not able to make choices that were in accordance with their conception of the good.

Mill linked the higher pleasures to the exercise of those capacities which enabled individuals to sympathise with their fellow citizens. He would never have agreed with the

⁶⁷⁶ See J.S. Mill, *Utilitarianism*, (CW), X, pp. 212-13.

⁶⁷⁷ See J. Carlisle, *John Stuart Mill and the Writing of Character*, (Athens: University of Georgia Press, 1991), p. 147.

⁶⁷⁸ See W.H. Shaw, *Contemporary Ethics: Taking Account of Utilitarianism*, p. 64.

idea that the superior pleasures could be disconnected from the use of the higher faculties. Robert Nozick refers to an 'experience machine' in which people, floating in a tank with electrodes attached to their brains, are stimulated so that they feel they are exercising their superior faculties by doing sublime things, such as making friends or writing a novel.⁶⁸⁰ Mill would not have accepted that pleasures derived from experiences of this sort could be considered as higher pleasures, for he would have regarded them as a mechanical response to stimuli, and not the outcome of the use of rational human faculties. Mill said that true happiness arose when people used their elevated faculties.⁶⁸¹ In a letter of 12 January 1834 to Thomas Carlyle, he explicitly argued that the ultimate end of utilitarianism was to make people develop what was best in themselves.⁶⁸² He pointed to political deliberation and the study of cultural artefacts as examples of activities that were 'associated with the superior pleasures.'⁶⁸³ Without involvement in activities such as these, people's lives could not be other than unsatisfactory. It is important to clarify the way in which Mill, in his account of pleasure, linked mental states to particular activities. Let it be supposed that one guest at a hotel has eaten a delicacy in order to satiate his hunger, and that another guest at the same hotel has also eaten the same delicacy in order to write an article for a magazine specialising in gastronomy. In Mill's view, the pleasures at stake are not equivalent because they are related to different sorts of activities. The first guest was merely satisfying a bodily necessity, while the second guest was exercising practical reasoning by examining the qualities of the delicacy and deciding whether or not to recommend it. In view of this, Mill would not have had any difficulty in affirming that the pleasures enjoyed by the second

⁶⁷⁹ See D.O. Brink, 'Mill's Deliberative Utilitarianism', *Philosophy and Public Affairs*, 1(1992), pp. 89, 94.

⁶⁸⁰ See R. Nozick, *Anarchy, State and Utopia*, (New York: Basic Books, 1974), pp. 42-3.

⁶⁸¹ See J.S. Mill, *Utilitarianism*, (CW), X, pp. 210-11.

⁶⁸² See J.S. Mill, *Earlier Letters 1812-1848*, (CW), XII, pp. 207-8.

guest were superior to those enjoyed by the first, because the second guest employed his higher faculties. Mill was aware that a being possessed of higher faculties required more elevated experiences to be happy. Hence, he affirmed that 'it is better to be a human being dissatisfied than a pig satisfied; it is better to be Socrates dissatisfied than a fool satisfied'.⁶⁸⁴ The comparison between the dissatisfaction of Socrates and the satisfaction of the pig is crucial for an understanding of Mill's ethical theory. Socrates was aware of the fact that he was able to scrutinize his own convictions and behaviour in order to discover the mode of life best able to fulfil his aspirations as a human being. His dissatisfaction should be understood as a consequence of his search for the truth about himself, which does not necessarily afford immediate answers to the problems addressed. Nonetheless, Socrates knew that bodily pleasures were ephemeral, while the intellectual were durable. The allusion to the pig and to the fool was designed to show that, if people opted for physical enjoyments and not for intellectual ones, it was because they ignored intellectual pleasures. Mill thought that people should prefer Socrates' dissatisfaction to the contentment of the pig, because Socrates' dissatisfaction was a means of achieving higher levels of happiness, while the contentment of the pig implied accommodation to lower pleasures and the stifling of capacities. The dissatisfaction was not preferred in itself, but only because it provided a potential means to greater happiness. Mill's preference for Socrates' dissatisfaction was not necessarily an anti-hedonistic claim.⁶⁸⁵ D. Habibi, however, has alleged that Mill retreated from hedonism when he admitted that happiness was one end amongst a plurality of other categorical ends.⁶⁸⁶ This equates to saying that Mill abandoned utilitarianism through the

⁶⁸³ See J.S. Mill, *Utilitarianism*, (CW), X, pp. 215-16. .

⁶⁸⁴ Ibid., p. 212.

⁶⁸⁵ See D.D. Raphael, 'Fallacies in and about Mill's *Utilitarianism*', p. 57.

⁶⁸⁶ See D. Habibi, 'J.S. Mill's Revisionist Utilitarianism', p. 283.

admission that pleasures are incommensurable. Isaiah Berlin offers a paradigmatic interpretation of Mill as a thinker who broke with the models of both the classical period and the Enlightenment, developing the view that freedom to choose is the characteristic that differentiates human beings from the rest of nature.⁶⁸⁷ For Berlin, the image Mill created of human beings as fallible, subjected to almost unlimited changes and unable to complete their search for truth and happiness, was not compatible with the possibility of establishing standards to measure the general happiness. Mill's conception of individuality implied that freedom to choose should be seen as a value that is independent from utility. Those who, like Berlin, interpret Mill in this way presume him to be a liberal thinker who failed to perceive that utilitarianism was in conflict with the real foundations of his own philosophy. In contrast to Berlin, Vinit Haksar argues that Mill's moral theory is perfectionist in that it aims at promoting certain kinds of human excellence, rather than at maximising happiness.⁶⁸⁸ There are passages in Mill's works that can be used to justify interpretations of Mill both as a liberal and as a perfectionist. However, he never stated himself that he had ceased to be a utilitarian. *Utilitarianism* was not written as an academic treatise, but to correct the perception of the wider public who saw utilitarianism as an ethical system based on a simplistic psychology which portrayed people as self-centred hedonists.⁶⁸⁹ The fact that the essay was not aimed at an academic audience does not mean that it is contradictory and unsystematic, although there are clearly some aspects of Mill's moral theory that are insufficiently developed. Despite this, it is not difficult to appreciate that, in *Utilitarianism*, Mill advanced a type of 'objective' utilitarianism. As has been shown above, he associated

⁶⁸⁷ See I. Berlin, 'John Stuart Mill and the Ends of Life', in J. Gray and G.W. Smith (eds), *J.S. Mill On Liberty in focus*, (London: Routledge, 1996), p. 160.

⁶⁸⁸ See V. Haksar, *Liberty, Equality and Perfectionism*, (Oxford: Oxford University Press, 1978), p. 233.

⁶⁸⁹ See D. Habibi, 'J.S. Mill's Revisionist Utilitarianism', p. 109.

happiness with objective activities such as the freedom to exercise one's faculty of reason, aesthetic delight, and access to the basic means of subsistence. Mill assumed that these activities were rooted in the social nature of human beings, which were important in promoting the true interests of man as a progressive being.⁶⁹⁰ If these activities are associated with higher pleasures, then the identification of them would be helpful in calculating general happiness. Hence, one may ask why did Mill content himself with a few scattered references to these activities, instead of offering a detailed description of them, and providing a criterion by which to measure them and facilitate the task of estimating the general happiness?⁶⁹¹ The answer is as follows: Mill believed that, if social institutions were structured so as to secure public debate and respect for minorities, society would come to recognise that the fundamental activities of social life were those which prompted sympathy and cooperation, that is those activities which he associated with the higher pleasures.

Instead of specifying ways of calculating the general utility, Mill tried to encourage the emergence of a socio-political framework that would promote the recognition of higher pleasures by engaging people in the communication of experiences which they had found to be conducive to self-enhancement. He assumed that, once such engagement was a reality, the problem of calculating the general utility would be drastically simplified due to the fact that, having become familiar with activities associated with the higher pleasures, people would come to prefer them. This did not mean that pleasures were of a higher order because competent judges preferred them, but that 'competent judges provide us with our

⁶⁹⁰ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 224.

⁶⁹¹ See D. Habibi, 'J.S. Mill's Revisionist Utilitarianism', p. 101.

most reliable access to those things that are objectively valuable'.⁶⁹² He thought that the clash between a cultured minority and a philistine majority would lead to the triumph of utilitarianism, providing the political framework prevented the virtual disfranchisement of minorities. Hence, the advance of utilitarianism depended on the retreat of the forces that favoured uniformity. Mill concluded that it was more important to promote social change, so as to encourage the acquisition of happiness for all, rather than to resist change in order to retain the status quo.

Mill saw utilitarianism as capable of offering 'the only standard which, once acknowledged, holds out the possibility of progressive development as well as the prospect of continued order'.⁶⁹³ He saw discussion not as a source of chaos, but as a means of generating public spiritedness.⁶⁹⁴ Mill recognised that an underdeveloped state of mind produced a distorted perception of the merits of various types of pleasure and prevented people from sympathising with all the other members of society. But he believed that the dynamic of debate would increasingly lead people to recognise the objective nature of the higher pleasures and to contribute to significant improvements over time. The organization of society, based on rational debate, would progressively secure for all members of society an 'equal claim to all means of happiness except in so far as the inevitable conditions of human life, and the general interest, in which that of every individual is included, set limits to the maxim'.⁶⁹⁵ Mill saw this movement towards the recognition of the utilitarian standard not as something inevitable, but as a tendency that would be strengthened by the

⁶⁹² D.O. Brink, 'Mill's Deliberative Utilitarianism', p. 80.

⁶⁹³ T. Fuller, 'John Stuart Mill and The Transformation of Politics in Representative Government, Utilitarianism and On Liberty', p. 153.

⁶⁹⁴ See *ibid.*, p. 149.

social feelings inherent in human nature. He accepted that those who were in advance of their time might recognise the superiority of the utilitarian standard, but stressed that the majority would achieve such awareness only when critical reasoning became deeply rooted in the very fabric of society. In the ordinary course of affairs, people's actions were based on secondary rules derived from the previous experience of mankind. Mill expected them to resort to the utilitarian principle either when there were conflicts between secondary rules as applied to specific cases, or when there was no rule available. His optimism in relation to the increasing acceptance of the principle of utility combined the Socratic belief that, once aware of the superiority of certain values, people would act in conformity to the conviction that the advance of knowledge would lead to a better world. Mill expected that, confronted with the utilitarian standard, the secondary rules and the beliefs that underpinned them would be reformulated.⁶⁹⁶ In view of this, he looked forward to the emergence of a new era in which the orderliness of society was secured by the institutionalisation of debate and the confrontation between different points of view. Mill did not think that the higher activities and the pleasures associated with them could be identified and measured only in the future, but he did think that the principle of utility would be fully grasped and widely accepted only after the transitional era in which he lived, an era in which there was a lack of agreement about moral values. In fact, he performed a utilitarian calculation when, for instance, he attributed different values to the franchise in *Considerations on Representative Government*.⁶⁹⁷ He proposed a scale of votes according to the following criterion: the more that voters rendered it evident that they were capable of reasoning and sympathising with

⁶⁹⁵ J.S. Mill, *Utilitarianism*, (CW), X, pp. 257-8.

⁶⁹⁶ See T. Fuller, 'John Stuart Mill and The Transformation of Politics in Representative Government, Utilitarianism and On Liberty', p. 174.

⁶⁹⁷ See above, Chapter III, pp. 123-26.

their fellow-citizens, the higher would be the value of their franchise. It has already been argued that Mill's proposed scale of votes is problematic.⁶⁹⁸ Nevertheless, it demonstrates that he thought that measurements on utilitarian grounds were possible. His ethical discourse implied not only the possibility of the establishment of a hierarchy of values, but also the possibility of a progressive elimination of intense conflict between men, two consequences which Mill envisioned as the highly probable outcome of the institutionalisation of debate in society. He circumvented the difficult task of presenting a fully developed theory, which would have offered a method of measuring pleasures, due to his belief that the utilitarian principle would be properly understood only in an 'organic period' where there was a certain degree of consensus in relation to the moral values that should ground social life. In the end, Mill expected that a social environment in which the hierarchy of pleasures which he proposed was adopted would emerge from the institutional debate between those who supported the values of the commercial middle class and those who defended the values of the educated elite. He failed to perceive that the emergence of such a consensual environment was only one possibility among others. Mill never intended to impose the values he presumed would triumph in a future organic period, yet to come, but it is important to examine to what extent his commitment to the promotion of general utility was compatible with his defence of liberty.

6.4. MILL ON UTILITY AND LIBERTY

In *On Liberty*, Mill portrayed the autonomous individual as someone capable of making choices according to his or her self-planned way of life. But it does not seem reasonable to

⁶⁹⁸ See above, Chapter III, pp. 126-31.

say that choices add to the general happiness by the simple fact that they are freely made and consistent with an individual's own conception of the good. Mill should have tackled the question of how far a society organised according to the principle of utility can guarantee the freedom of individuals. When he approved Bentham's dictum according to which, in the estimation of the general utility, 'everybody is to count for one, nobody for more than one', his intention was to assert that liberty should not be sacrificed on the altar of utility. He praised liberty on the grounds that it grants people the possibility of exercising their deliberative powers, which he deemed an essential component of happiness. However, one might have expected him to have clearly established where 'the line should be drawn between the satisfaction of public needs and the protection of individual interests'.⁶⁹⁹ By not drawing this line, Mill has been subjected to the criticisms standardly made against utilitarianism. These criticisms consist in two main lines of argument: the first is that utilitarianism condones unjust practices, such as slavery, when such practices maximise overall utility; the second is that utilitarianism 'illegitimately extends to society as a whole the sort of decision-making procedure that is appropriate only for an individual'.⁷⁰⁰ Both lines of argument are associated with the idea that utilitarianism has the irremediable defect of putting individuality at risk by considering individuals as mere parts to be subsumed by the aggregate of society. There are indications both in Mill's life and in his theoretical work that he refused to sacrifice individuality to interests which many people assumed to be beneficial to society. It is worth mentioning that he always criticised attempts to treat workingmen as mere cogs in the chain of production. In *Principles of Political Economy* and in *Chapters on Socialism*, Mill defended the attempt to

⁶⁹⁹ G. Scarre, *Utilitarianism*, (London: Routledge, 1996), p. 105.

⁷⁰⁰ W.H. Shaw, *Contemporary Ethics: Taking Account of Utilitarianism*, p. 125.

protect of individuals from the economic oppression resulting from the unfettered market. In his economic writings he supported the idea that workers must be the beneficiaries of their co-operative efforts in the process of production. The imposition of sacrifices on workers on the grounds that such sacrifices were beneficial to society was not acceptable. In *On Liberty* and *Considerations on Representative Government*, he defended individuality from the political oppression of the majority. It is also interesting to note Mill's attitude towards the Governor Eyre affair. In October 1865, a localised uprising in Jamaica resulted in the killing of a small number of white British citizens. Following a series of trials conducted in a dubious way, Eyre, the Governor, authorised the execution of 439 blacks. Before becoming Governor, Eyre had been a magistrate, a protector of aboriginal rights, and had served as Lieutenant Governor of New Zealand and of the Caribbean island of St Vincent. As chair of the Jamaica Committee, Mill decided to investigate the executions, and did everything within his reach to have Eyre tried for murder. Mill faced the opposition of prominent literary men such as Ruskin, Tennyson, Dickens, and Carlyle.⁷⁰¹ In addition to this, Mill received many letters threatening him with assassination.⁷⁰² Many people saw the executions as a justifiable measure to secure public order. These examples show that Mill did not think that the sacrifice of individuality could add to general happiness.

Sometimes it is difficult to make inferences from his utilitarianism. For example, Mill himself recognised that his utilitarianism offered no clear grounds for establishing whether

⁷⁰¹ See W. Stafford, *John Stuart Mill*, (London: Macmillan, 1998), p. 113.

⁷⁰² See J.S. Mill, *Later Letters 1849-1873*, (CW), XVI, p. 1405.

it was appropriate for the state to prohibit gambling and prostitution.⁷⁰³ He might be accused of having accepted the right of society to interfere excessively in the life of individuals when he said that to give advice is a social act, which should be amenable to social control, and when he advocated the right of the state to forbid marriage if the parties could not show that they had means to support a family.⁷⁰⁴ But in various other parts of *On Liberty*, Mill appeared to sacrifice general utility in favour of liberty. For example, Mill rejected the idea of allowing state interference in the private life of someone who wished to drink alcohol in a society with a large majority of Muslims, in spite of the huge distress it would cause. In this case, the distress caused to Muslims would outweigh by far the amount of happiness obtained by the individual who was drinking.⁷⁰⁵ Mill advocated the liberty of expression as something entirely necessary, even if the opinion expressed contradicted that of every other person and caused them distresses.⁷⁰⁶ It is not reasonable to assume that the actions of a single person, which causes distress for all other human beings, will contribute to the general happiness, because the amount of pain produced by the distress will outweigh by far the pleasure of the one. But Mill embraced the view that overall utility increased whenever people made choices in accordance with a judgement based on their own reflection. He did not take into account the possibility of people using highly developed capacities of imagination and artistic creation to promote ideas and practices harmful to society. In this sense, he fail to see the fact that an increase in people's deliberative powers and the augmentation of their mutual commitment to the welfare of society were not necessarily linked. Mill conceived of individuals as self-creating beings who could develop

⁷⁰³ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 297.

⁷⁰⁴ See *ibid.*, pp. 296, 304.

⁷⁰⁵ See C.L. Ten, 'Mill's Defence of Liberty', in J. Gray and G.W. Smith (eds.), *J.S. Mill On Liberty in Focus*, (London: Routledge, 1996), p. 214.

their capacities according to their personal inclinations.⁷⁰⁷ For him, their search to fulfil their inner nature made them altruistic by leading them to the recognition that they did not individually have all the elements they needed in order to enjoy a happy life. Realising that they depended on society to flourish, individuals would tend increasingly to respect the general well-being and understand that they owed it to society to return part of the benefits they received.⁷⁰⁸ The relationship between the individuals and society was mutually constitutive, in that, in order to improve, society relied on the genius of individuals, as much as individuals depended on conducive social conditions in order to flourish. In view of this, Mill formulated a principle according to which 'the only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute'.⁷⁰⁹ The main implication of this principle was that individuals should not have power exercised over them against their will, except to prevent harm to others.⁷¹⁰ If the encroachments of society on individuality were restricted to the prevention of harm to others, liberty would be secured in the domains of conscience and association. Such liberty was essential in order to prevent the character of individuals being moulded according to the vices of dominant groups in society. Mill's principle for governing the dealings between society and individuals attracted fierce opposition. Most of Mill's commentators have dismissed his principle of liberty on the grounds that it is 'impossible to distinguish between that part of a person's behaviour which affects himself and that part which also affects others; and there is nothing

⁷⁰⁶ See J.S. Mill, *On Liberty*, (CW), XVIII, pp. 216-7.

⁷⁰⁷ See *ibid.*, p. 188.

⁷⁰⁸ See A. Ryan, *The Philosophy of John Stuart Mill*, (London: Macmillan Press Ltd, 1987), p. 198.

⁷⁰⁹ J.S. Mill, *On Liberty*, (CW), XVIII, p. 224.

⁷¹⁰ See *ibid.*, pp. 223-4.

to be gained by attempting to make the distinction'.⁷¹¹ To answer this criticism, in the 1960s John Rees proposed a re-reading of Mill's conception of self-regarding and other-regarding actions. Rees accuses Mill's opponents of having mistakenly assumed that Mill believed that self-regarding actions had no effect on other people.⁷¹² According to Rees, Mill was aware that personal actions could affect other members of society, for no person was entirely isolated. In referring, therefore, to actions that merely concerned the actor himself, Mill did not mean actions that did not affect other individuals, but actions that did not affect the 'interests' of other individuals. It is thus important to clarify what Rees means by the term 'interest'. Let it be supposed that patient A performed action X, which affected agent B. According to Rees, Mill thought that the simple fact that A's action X in one way or another affected B offered no ground to justify state interference in A's conduct. Mill would accept state interference in A's conduct only if action X had damaged aspects of B's life which society recognised as of great importance to its members.⁷¹³ Rees correctly shows that Mill did not see any part of the conduct of citizens as something that could be entirely isolated from the other members of society. However, Rees's interpretation became a source of controversy because it established social recognition as the defining criterion of what constituted a person's interests.

Richard Wollheim argues that Rees's interpretation of *On Liberty* is incompatible with Mill's progressivism, in that it presupposes that both the restraint of government and its actions depends on the feelings prevailing in society, and these feelings are largely

⁷¹¹ R.P. Anschutz, *The Philosophy of J.S. Mill*, (Oxford: Clarendon Press, 1953), p. 48.

⁷¹² See J.C. Rees, 'A Re-reading of Mill on Liberty', in J. Gray and G.W. Smith (eds), *J.S. Mill On Liberty in Focus*, (London: Routledge, 1996), p. 171.

⁷¹³ See *ibid.*, pp. 82-3.

determined by the dominant class, which is generally inclined to maintain the status quo.⁷¹⁴ According to Wollheim, Rees's account would put in jeopardy the freedom of dissenters who were at odds with the prevailing feelings, and disregards the respect which Mill paid to the developmental nature of human beings.⁷¹⁵ In truth, Wollheim's criticism of Rees is not entirely convincing. Rees does state that interests represent something regarded as valuable by many people in society, but he also states that such recognition was not the sole criterion in justifying the interference in the conduct of individuals. Rees argues that the fact that A's life had been affected in some aspect which society recognised as being of significant importance was a necessary reason to justify interference in B's conduct, but this was not a sufficient reason.⁷¹⁶ Rees is aware that Mill's principle could not offer automatic directions to govern the interference of the state in a wide range of cases in which people's actions affected the interests of others.⁷¹⁷ Rees states that 'interest' is inevitably a controversial notion because it harbours value-judgements which people would disagree about. He also sees that the main object of *On Liberty* was to oppose those who attempted to justify the comprehensive interference of the state in people's lives, as if every aspect of the life of the individual should be subjected to the interference of society.⁷¹⁸ His interpretation of Mill's account of liberty is more sophisticated than Wollheim presumes. Despite this, Rees's interpretation is unsatisfactory in that he provides no adequate clarification of how Mill differentiated self-regarding and other-regarding actions. Mill viewed as harmful any type of action performed by individuals, groups, or institutions, which damaged or put at risk individuals' physical integrity, their possibility of exercising deliberative powers and

⁷¹⁴ See R. Wollheim, 'John Stuart Mill and the limits of state action', *Social Research*, 40 (1973), pp. 7,8.

⁷¹⁵ See R. Wollheim, 'John Stuart Mill and Isaiah Berlin: The Ends of Life and the Preliminaries of Morality', in J. Gray and G.W. Smith (eds.), *J.S. Mill On Liberty in Focus*, (London: Routledge, 1996), pp. 261, 273.

⁷¹⁶ See J. C. Rees, 'A Re-reading of Mill on Liberty', p. 182.

associating with others in a pacific manner, or their access to proper nourishment and basic education. The values that Mill praised in *Utilitarianism* were the same as those he extolled in *On Liberty*. In this latter essay, he offered an account of liberty relevant to the stage of progress of more advanced societies. In these societies, the central problem relating to freedom was not coercive interference in people's life, 'but rather the renunciation of liberty by some members of society, together with the abdication of personal choice and judgement to the collectivity'.⁷¹⁹ Mill did not use the term 'autarchic', but it captures the condition of subjects who stifle their faculties by doing a thing merely because others do it.⁷²⁰ The autarchic subject was free from the chains found in traditional society, but accommodated himself or herself to the standardising forces of mass society, being 'generally without either opinions or feelings of home growth, or properly their own'.⁷²¹ It is not possible to grasp the significance of Mill's defence of liberty without considering the fact that he saw the dynamic of modern society as tending towards a situation in which individuals paid total submission to government, and rejected the burden of making choices in conflict with dominant values. He did not suggest that genuine choices were necessarily at loggerheads with dominant values, 'but rather that it is the experience of possible conflict between a man and society which gives meaning to the concept of one's own choice'.⁷²² His commitment to counteracting the power of the masses characterized not only *On Liberty*, but also earlier works such as *The Spirit of the Age* (1831), *Civilization* (1836), and

⁷¹⁷ See *ibid.*, p. 185.

⁷¹⁸ See *ibid.*, p. 183.

⁷¹⁹ R.B. Friedman, 'A New Exploration of Mill's Essay *On Liberty*', in J.C. Wood (ed.), *John Stuart Mill: Critical Assessments*, 4 vols., (London: Croom Helm, 1987), i. 96.

⁷²⁰ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 262. For a fuller discussion of the use of the term 'autarchic' in this context, see J. Gray 'Mill's conception of Happiness', in J. Gray and G.W. Smith (eds.), *J.S. Mill On Liberty in Focus*, (London: Routledge, 1996), pp. 195-8.

⁷²¹ J.S. Mill, *On Liberty*, (CW), XVIII, p. 265.

⁷²² R.B. Friedman, 'A New Exploration of Mill's Essay *On Liberty*', p. 297.

Coleridge (1840).⁷²³ However, in *On Liberty*, his preoccupation with the power of the masses was placed in the broader context of his thought. *On Liberty* was not intended to identify a specific institution to rival the power of the masses, but to encourage a social dynamic which would multiply the centres of power and prevent stagnation and tyranny. Mill's discourse in favour of liberty followed two complementary lines of argument, which were appropriate, respectively, to the situation of the educated few and to that of the majority. For the few who appreciated and praised the importance of self-cultivation and individuality, he developed the argument that liberty required the protection of individual against the encroachment of the majority. In this case, liberty was essentially an individual value.⁷²⁴ For the majority who ascribed no particular importance to self-cultivation, he presented individual liberty as the foundation of social progress. In this case, individual liberty was primarily a social value. Mill's strategy was aimed at persuading the majority that they could profit from individual liberty. To reinforce his argument, Mill referred to the historical fact that tribes which ceased to recognise individuality and imposed uniformity rapidly became dependents 'of tribes whose forefathers wandered in the forest when theirs had magnificent palaces and gorgeous temples'.⁷²⁵ Social progress did not depend only on the educated few, but they were the ones particularly responsible for it, because they contributed the ingredient of originality that made progress possible. Mill hoped that the majority would be dissuaded from using its emergent power to interfere with the liberty of those he assumed to be the most valuable members of society.⁷²⁶ He appealed to the majority by showing liberty to be an indispensable component of progress, and by making

⁷²³ See above, Chapter II, pp. 67-80.

⁷²⁴ See R.B. Friedman, 'A New Exploration of Mill's Essay *On Liberty*', p. 303.

⁷²⁵ J.S. Mill, *On Liberty*, (CW), XVIII, pp. 273.

⁷²⁶ See R.B. Friedman, 'A New Exploration of Mill's Essay *On Liberty*', p. 306.

it clear that he expected them eventually to participate in the process of self-cultivation. Both the individualistic and the social justification of liberty were, in general outline, attuned with Mill's objective utilitarianism, according to which the free development of deliberative powers was one of the essentials of well-being. However, he appeared to believe that his account of liberty could be fully grasped only when there was a basic consensus about the essentials of morality. Therefore, knowing that this consensus did not exist, he judiciously shied away from any bolder attempt to articulate all the implications of his principle of liberty. In *On Liberty*, Mill offered a set of principles by which people could determine whether interference in the conduct of individuals was justifiable or not, but such principles were not sufficient to provide a clear definition of the notion of harm or clearly to differentiate private and public spheres of conduct. The primacy of politics underlay both Mill's account of the principle of utility and of the principle of liberty. Instead of focusing on his ethical theory, which recognised freedom as a constituent part of utility, he focused on articulating a social, political, and educational framework capable of inaugurating a commitment to widespread debate and discussion in society. He expected this situation to be beneficial for everyone: for the majority who would be enlightened by the original ideas produced by the minority, and for the minority who would enlarge the range of their experiences by confronting their ideas with those of the common men. *On Liberty* is characterized by the idea that human beings will adopt the most elevated values when placed in a social setting that permitted such values to be identified. Mill saw no incompatibility between his account of liberty and his account of utility, because he had a highly optimistic conception of human nature according to which human beings possessed a huge potential to sympathise with other people and to protect the interests of society as if they were their own. This implied that, once exposed to enlightening influences, moral

agents would tend to behave as impartial spectators who would show an identical respect for their own interests and for those of others. Following this line of reasoning, the political maverick and the artist endowed with a sophisticated imagination would be people who would value the happiness of others as much as their own. But this is not something that is confirmed by reality. Mill himself was aware that the enlightened Emperor Marcus Aurelius had persecuted Christianity, thereby showing that intellectual achievements did not necessarily make people respect the happiness of others.⁷²⁷ The emergence of a social culture, buttressed by institutions that encouraged debate about public issues and protected individuality, could encourage the altruism which Mill believed to be a fundamental element in human nature. However, he failed to perceive that the intellectual development of the people and the wider diffusion of an altruistic mentality would neither eliminate evil from society nor extinguish political conflict. Despite this unjustifiable optimism, Mill developed the idea in *On Liberty* that political conflict amongst diverse groups was more beneficial to society than attempts to cause social improvement based on the action of a centralised power, which risked undermining freedom and diversity.⁷²⁸ Besides, the damage caused by a centralised power could have devastating effects for society as a whole, and would be more difficult to repair than the damage caused by conflict between sections of society. In *On Liberty*, Mill assumed that utility was better served when the interference of society in individual conduct was moderate.⁷²⁹ He identified several situations in which interference in people's liberty was unjustifiable and therefore should be avoided. In *Utilitarianism*, he presented sociability as an essential characteristic of human beings, and

⁷²⁷ See J.S. Mill, *On Liberty*, (CW), XVIII, p. 236.

⁷²⁸ See A. Oliva, Entre o dogmatismo arrogante e o desespero cético: a negatividade como fundamento da visão liberal do mundo, (Rio de Janeiro: Instituto Liberal, 1993), pp. 26-8.

⁷²⁹ See R. Crisp, *Mill on Utilitarianism*, (London: Routledge, 1997), p. 178.

liberty as a structural component of general happiness. The defects of society were attributed to the shortcomings of institutions, which prevented individuals from developing their fundamental propensity to sympathise with others. Mill recognised that human affairs were complex and accepted that this complexity was aggravated by the disagreement about moral values that existed in the society he lived in. In view of this, he formulated both the principle of liberty and the principle of utility to offer general guidance as to how a liberal-utilitarian culture might be implemented, and not to define notions whose significance could not be properly grasped at that time. Mill, therefore, undertook to help people to understand that they were perfectible beings and could enrich themselves by creating institutions that encouraged cooperation with their fellow citizens and by preventing the concentration of power in society.

6.5. MILL'S UTILITARIANISM AND DEMOCRACY

Mill's ethical discourse was consistent with his gradualism. His intention was to encourage the continual adjustment of secondary rules, which governed people's conduct, to the principle of utility. Examining the rules that governed their behaviour, people could see that their conduct should be modified so as to promote the general happiness. This occurred when people understood that, if they continued to behave according to the existing secondary rules, they would not add to the general happiness. The process by means of which secondary rules were adjusted to the principle of utility would prepare society for significant change, in that it engaged people in debates that generated changes in mentality. In *Utilitarianism*, Mill asserted that all people should have equal access to all the means of happiness, and he welcomed their participation in the public arena, by which they would be

encouraged to develop the self-discipline and willingness to co-operate which a civilised democracy required. But, at face value, utilitarianism appears to condone free-riding - a parasitic practice by means of which people profit from co-operative enterprises without themselves contributing to them. One can claim, for example, that the fact that someone does not pay taxes is justifiable from a utilitarian point of view because this exemption has no significant impact on general utility, while it significantly increases the well-being of the one who is exempted. A utilitarian can challenge such a claim by saying that when people achieve their goals by adopting parasitic behaviour they tend apply it to other aspects of life, so that free-riding foments other practices whose effects are more detrimental to the well-being of society. As a matter of fact, parasitic behaviour in collective enterprises is not consistent with the tenets Mill laid down in *Utilitarianism*, in that it would come into conflict with feelings that were deep-rooted in human nature and would undermine the spirit of co-operation that civilised life required.⁷³⁰ In this way, the prevention of free-riding was entirely consistent with the sentiments of justice, which rejected practices detrimental to the permanent interests of the community. Mill's utilitarianism was based on the recognition that individuals had unique identities, yet were nonetheless bound together in relations of mutual dependency. The reforms he proposed in the sphere of the state and the participatory practices he recommended in the field of civil society were designed to prevent these relations of mutual dependence from becoming relations of domination. The aim of democratic institutions was precisely to educate people for mutual respect by removing undue privileges and by strengthening the ties that bound them.⁷³¹ Mill did not intend to strengthen these ties by advocating the preservation of a specific set of shared

⁷³⁰ See F.R. Berger, *Happiness, Justice and Freedom: The Moral and Political Philosophy of John Stuart Mill*, (Berkeley: University of California Press, 1984), p. 153.

traditions, but by reinforcing the natural propensity of people to sympathise with their fellow-citizens. This would be achieved by implementing a socio-political framework which stimulated participation, co-operation, and competence.

In *Utilitarianism*, Mill outlined a quasi-organic conception of society in which individuals were expected to perceive themselves as part of a totality to which they belonged, and in which they were able to sympathise with their fellow-citizens. Nevertheless, Mill did not adopt a communitarian account of society, in that he emphasised the need to grant people the opportunity to assert themselves against the dominant culture of the community. In other words, he refused to view society as the ultimate originator and arbitrator of the value system that human beings should follow, a view which was consistent with his allegiance to utilitarianism. In this way, the confrontation between secondary rules and the principle of utility expressed at the theoretical level what the confrontation between values of the majority and values of the cultured minority expressed at the political level. Mill has above been criticised for having been excessively optimistic regarding the consequences of the confrontation between opposing political alternatives. However, his optimism did not lead him to think that it was possible to remove the distinction between the governors and the governed, as Rousseau did in the *Social Contract*. Rousseau argued that the ‘general will’ was the genuine expression of popular sovereignty because it was embodied in the law, which was directly voted by the people in an assembly. The law should not, therefore, be regarded as a heteronymous command, but as a guarantee for people’s freedom.⁷³² For Rousseau, as a participant in the process of constituting the ‘general will’, the citizen was a

⁷³¹ See J.S. Mill, *Utilitarianism*, (CW), X, pp. 219-21.

sovereign; and, as someone who obeyed the law, the citizen was a subject. But he was a free subject, since he obeyed the law which he had helped to make. The 'general will' was the true instrument for the rationalization of social life and for the realisation of individual autonomy.⁷³³ Mill did not accuse Rousseau of being an authoritarian. However, in *On Liberty*, Mill pointed out that, in presuming that the body of citizens could be sovereign over itself, people tended to shy away from a preoccupation with the limitation of power, and this indifference rendered the holders of power virtually unaccountable to the community. Mill believed that, in practical terms, the will of the people was not the will of the whole social body, but 'the will of the most numerous or the most active part of the people; the majority, or those who succeed in making themselves accepted as the majority'.⁷³⁴ This was why his political thought was focused on promoting institutions which facilitated the removal from power of both those who used power to tyrannize and those who were incompetent. To render the socio-political powers accountable by impeding them from accumulating enough strength to rule unopposed was, therefore, the central object of a truly democratic theory. Mill supported the direct participation of the people in the running of local institutions and he defended representative government as the best solution at national level. But what indelibly characterized Mill's conception of democracy was not his preference for a specific type of institutional mechanics, but the fact that he incorporated within it his liberal concern with the control of power.

⁷³² See D. Zolo, *Democracy and Complexity: A Realist Approach*, (University Park: The Pennsylvania State University Press, 1992), p. 59.

⁷³³ See J.G. Merquior, *Rousseau e Weber: Dois Estudos Sobre a Teoria da Legitimidade*, (Rio de Janeiro: Editora Guanabara, 1990), pp. 21-23.

⁷³⁴ J.S. Mill, *On Liberty*, (CW), XVIII, p. 219.

It has been argued throughout this thesis that accountability was the central preoccupation of Mill's political thought. In the first chapter it was shown that Mill's disapproval, in his later works, of the secret ballot was based on the fear that it could motivate voters to cast their votes exclusively on behalf of their private interests. He defended open voting as an electoral device which would make voters accountable to their fellow-citizens. Despite his intention to protect the minority, Mill failed to realise that the majority could use open voting to oppress the minority. Nonetheless, his account of the ballot shows that Mill hoped to foster a system of civic education, to prepare people for participation in the public sphere, and to make government accountable to the people and the people accountable to their fellow citizens. The main object of the second chapter was to argue that between 1835 and 1840 Mill adopted Tocqueville's belief that, if unchecked, the power of the masses would stagnate society by stifling individuality and diversity. This led him to make the protection of minorities a central concern of his conception of democracy. Although believing, as Tocqueville did, that the multiplication of intermediary bodies between individuals and the state was essential in order to motivate people to work together for a common purpose and to put checks on democracy, Mill differed from him in two important respects. First, he emphasised the role of rationally-built institutions in preventing the excesses of democracy, whereas Tocqueville wished to reinforce habits of voluntary association. Second, he attributed the atomisation of society not only to the erosion of aristocracy but also to the very dynamic of industrialization. Hence, the institutions which Mill proposed from the early 1850s, and continued to advocate thereafter, were ultimately intended to render the masses accountable and to encourage freedom and diversity. The third chapter showed that Mill supported plural voting and Hare's system of proportional representation with the aim of facilitating the election of educated MPs, whom he expected

to counteract the ascendancy of the majority. He did not see that, by attributing different number of votes to different individuals, the plural voting system would have generated resentment instead of strengthening citizenship. He also failed to see that Hare's system of representation involved a complex practical operation that would render the electoral process incomprehensible and, in consequence of this, unaccountable to people. Mill favoured the gradual extension of the franchise, while education and involvement in non-electoral institutions prepared the masses for full participation in the electoral process. Despite Mill's failure to devise specific institutions, he contributed to democratic theory by showing that democracy required professional administration and a balance of power within society. The fourth chapter examined Mill's efforts to promote the recognition of women's legal personhood, to give them a voice in public matters, and to protect them from the tyranny of their husbands. He supported women's enfranchisement as a means of promoting the balance of power within families and of transforming marriage into a relationship between people who shared a common dignity. Mill was adamant that the renewal of family relationships was essential in opposing tyrannical forms of relationships in society at large. His stance in favour of women's enfranchisement demonstrated his concern with accountability, since he not only wanted women to participate in the public sphere, but also required them to be held accountable for their choices and opinions. In the fifth chapter it was shown that Mill understood that threats to individuality came not only from the state but also from powerful economic agents. He argued that a proper democratic regime required the distribution of fruits of the material advances of civilization amongst all members of society. To make this a reality, he proposed reforms in capitalism to prevent undue accumulation of wealth across generations, and advocated state intervention to help overcome illiteracy and severe poverty. Mill favoured the participation of workers in co-

operative enterprises, both with capitalists and with other workers, but fiercely opposed centralized forms of socialism, believing that they would jeopardise liberty.

At this juncture, it is important to elucidate the connection between accountability and utility in Mill's thought. Mill associated the triumph of utilitarianism with the institutionalisation of the confrontation of points of view in society, assuming that such institutionalisation would prevent the uniformity of thinking. Therefore, rendering the power of individuals, groups, and the state accountable to society was essential to the diffusion of the type of utilitarianism he proposed, which associated happiness with the human capacity to socialise and to exercise the powers of deliberation. He saw the utilitarianism he advocated as capable of offering an ethical standard to societies that were undergoing persistent change and were having their traditional points of reference eroded. In this sense, the solution to the ethical challenge posed by the instability of democratic societies was the examination of the rules which guided the conduct of individuals and institutions, and the testing of these rules against the principle of utility. One can, nonetheless, legitimately ask the following question: is it reasonable to claim that this appeal to the general well-being will help to determine the appropriateness of rules of conduct where there is no already-existing commitment to the common good? Mill would have given a positive answer to this question, and it is important to explain why he thought that an appeal to the principle of utility would be acceptable even in a society in which egotism prevailed. He combined a pessimistic view of the historical movement of society towards homogeneity with an optimistic view of human nature. According to Mill, defective social institutions, especially educational ones, contributed to the stultification of individuals' capacities by treating them as if they were 'machines', while they were in

reality 'trees', capable of growing their branches in various directions. People could develop a sense of belonging to a society where they could enhance their social feelings by enjoying a diversified set of experiences. Mill thought that a sense of belonging bound individuals together and provided them with a rudimentary practical reasoning which allowed them to see that certain rules or practices undermined the happiness of society. He recognised that there might be situations in which it would be quite difficult to identify the requirements of the principle of utility, while in other situations the identification of these requirements would be relatively straightforward. For example, for Mill, it was easy to see that practices and norms that generated extreme poverty and illiteracy were detrimental to the general well-being, while it was difficult for him to know whether gambling and prostitution were acceptable from a utilitarian point of view.⁷³⁵ In summary, Mill believed that, even when people did not articulate a conception of the common good, they could have a basic sense of what was either beneficial or detrimental to the happiness of all, as long as diversity had not been suppressed. The greater the diversity that existed in society, the more people understood that their happiness was dependent upon that of society as a whole. Taking the opportunity to enjoy varied experiences, people were able to see that uniformity was the supreme source of egotism and intellectual impoverishment. Mill aimed at a political order that protected freedom and created the possibility of development for each individual and cultural tradition. He expected societies to harbour a variety of traditions, and that the divergent ideas and practices associated with these traditions would stimulate the critical thought necessary for driving mankind towards improvement. Some commentators, nevertheless, think that Mill abandoned classical liberalism, which

⁷³⁵ See above, Chapter VI, p. 270-71.

embraced a political order encompassing a variety of ways of living.⁷³⁶ But he did not propose the destruction of traditions, and defended a social order in which civilised citizens, cultivating different traditions, came to respect their differences. However, he thought that the type of liberal-utilitarian culture which he proposed in *On Liberty* and in *Utilitarianism* would prevail only if societies succeeded in promoting the diffusion of critical reasoning. In his view, the common people had the capacity to exercise critical reasoning, so that when the historical obstacles to their improvement, especially bad education and extreme poverty, were removed, they would be increasingly guided by reason. Mill saw the triumph of reason as the cause of the triumphs of autonomy, utility, and democracy. There is certainly a correlation between reason and autonomy, in that autonomous individuals are self-determining beings capable of making genuine choices, which is possible only if they are able to exercise critical reasoning. The correlation between reason and utility is also clear in the context of Mill's thought, in that he conceived of the exercise of people's deliberative powers as inextricably linked to their happiness, so that an advance in critical reasoning equated to an advance in well-being. But the correlation between reason and democracy appears to be more problematic. The diffusion of critical reasoning augments the number of people with the capacity to choose for themselves, but is it not possible that the multiplication of self-determining agents leads to anarchy? Mill did not fear this possibility. He thought that autonomous individuals would be more aware of their interdependence, so that it was reasonable to expect them to reconcile their decisions with those of society as a whole. He did not think that anarchy and confusion would result from debates amongst autonomous subjects with conflicting values,

⁷³⁶ See J.Gray, *Post-Liberalism: Studies in Political Thought*, (London: Routledge, 1996), p. 261.

because such debates were instrumental in determining normative disputes and in showing the need for institutional reforms. There is no doubt that serious objections can be raised against Mill's optimism. But his optimism was not self-defeating because it was combined with the conviction that democracy required that neither the power of the state nor any other centres of power should be left unaccountable. Therefore, the creation of political institutions and the encouragement of socio-economic practices designed to establish a balance of power was essential to the general well-being in that such a balance prevented tyranny, which was a major obstacle to people's improvement.

6.6. CONCLUSION

Mill's utilitarianism was not grounded on the notion that human beings were agents interested only in maximising satisfaction and minimising effort, but on the conviction that the enjoyment of pleasure and the avoidance of pain were the only things desirable as ends. He assigned greater value to intellectual pleasures than to mere bodily ones because the former were better able to fulfil people's longing for happiness. Mill believed that people had a sense of dignity which predisposed them to pursue the higher pleasures when the environment in which they lived allowed them to exchange mutually enriching experiences with their fellow citizens. According to this reasoning, the selfishness of human beings was attributable to the warping influence of historical circumstances. If these circumstances were altered in the right way, human beings tended to become altruistic moral agents who respected other people's happiness as if it were their own. The respect for the happiness of all was thus inherent to human nature and provided a foundation for the principle of utility, which should be resorted to when there were no secondary principles available to guide

conduct. Mill thought that pleasures were qualitatively differentiated. This made the calculation of overall utility a very difficult task - a task he thought would be properly performed only when a certain degree of social consensus on moral values had been reached. He associated higher pleasures with those activities by which human beings developed their capacity to sympathise with others and to exercise critical reasoning. He saw the development of the capacity to deliberate, therefore, as an objective part of human happiness, and linked the advance of utilitarianism inextricably with the advance of knowledge. Moreover, he argued that the institutionalisation of debate in society would generate a consensual social environment where the hierarchy of pleasures he proposed would be accepted. Mill never took seriously the possibility of a conflict between liberty and utility, because he saw liberty as an essential component of utility. He feared the prospect of people paying total submission to the government and refusing to make choices at odds with the dominant values of society. His account of liberty was, therefore, mainly intended to produce a social dynamic, which would prevent social stagnation by promoting debate and spreading power amongst various agencies in society. Mill failed to perceive that intellectual development would neither make political conflicts irrelevant nor impede people from using their highly-developed capacities to harm society. Moreover, he offered an incomplete account of when the state should interfere in people's conduct. Despite these inadequacies, Mill contributed significantly to political theory by showing that no group in society should be allowed to gather enough power to control it. Democracy, therefore, required institutions that facilitated the removal from power of those who were not exerting it according to the wishes of those who delegated them. Mill saw the balance of power as the cornerstone of democracy, because it was important to favour mutual respect and cooperation in political relations, just as it was in family and economic relations. This was

why such a balance of power should be considered essential to the happiness of mankind. Mill aimed at a political order that protected freedom and created the opportunity for each individual and each cultural tradition to develop. He expected societies to harbour various traditions, on the grounds that the existence of divergent ideas and practices would stimulate the critical thinking which needed to be done in order for mankind to improve. Mill might be accused of being optimistic in relation to the outcome of the debate between divergent views in society. However, the cornerstone of his political philosophy was his conviction that democracy required that neither the power of the state nor the multitude of other centres of power should be left unaccountable.

CHAPTER 7

GENERAL REMARKS AND FINAL CONCLUSIONS

Mill disagreed with the idea that society was condemned to choose either absolute power or anarchy. He thought that the groups who controlled power tended to believe that what was beneficial for their well-being was also beneficial for that of society. For Mill, this was a dangerous belief which led either to tyranny or to paternalism. Mill never took seriously the possibility of a conflict between liberty and utility because he saw liberty as an essential component of utility. He failed to perceive that intellectual development would neither make political conflicts irrelevant nor impede people from using their highly-developed capacities to harm society. In addition to this, he offered an incomplete account of the relations between individuals and the state. Despite this, Mill contributed significantly to political theory by showing that no group should be allowed to gather an all-embracing control of society. Democracy, therefore, required institutions that facilitated the removal of those who were in power. Mill saw the balance of power as the cornerstone of democracy, because it promoted mutual respect and cooperation in political, economic, and familial relations. Such a balance of power was, therefore, essential to the happiness of mankind. Mill aimed at a political order that protected freedom and created the opportunity for each individual and each cultural tradition to develop. He expected societies to encompass a variety of traditions, on the grounds that the existence of divergent ideas and practices,

would stimulate the critical thinking which was important in preventing the stultification of people's capacities. In view of this, Mill argued that governments should remove the obstacles generated by society which prevented individuals from enhancing their potential. Truly democratic governments could only exist in democratic societies. In such societies, people were encouraged to exercise their deliberative powers, which Mill deemed to be an essential component of happiness. Assuming that the use of such powers was essential to the enhancement of both individuals and society, Mill's political strategy was an attempt to organise society on these lines. His defence of liberty was intended to counteract the tendency of mass society to lead individuals to reject the burden of making choices at odds with the dominant values and to pay total submission to the government. The protection of individual liberty from the encroachment of the majority and the multiplication of centres of power in society were instrumental in preventing social stagnation and rendering the masses accountable. Hence, Mill advocated the creation of a socio-political framework which positively demanded a confrontation between divergent views, on the grounds that the institutionalisation of such a confrontation would prevent uniformity of thinking and generate a balance of power in society. He thought that such a balance of power was a precondition for accountability, because individuals, groups, and governments were not answerable to citizens when there was no power capable of opposing them. It was as a result of his preoccupation with accountability that Mill: 1) opposed the secret ballot, where he assumed that voters would tend to cast their votes in an egoistic fashion; 2) called on the universities, and the leisured and agricultural classes, to counterbalance the overwhelming power of the middle class, with its tendency to impose homogeneity; 3) proposed the implementation of electoral institutions in order to enable the election of educated MPs who, he thought, would exert an enlightening influence in parliament; 4) favoured the

gradual extension of the franchise, while education and participation in local government prepared the masses for full participation in the electoral process; 5) advocated women's enfranchisement as a means of self-protection against the tyranny of their husbands, but at the same time required women to be held responsible for their choices and opinions; and 6) recommended the distribution of the fruit of the material advances of civilization amongst all members of society. He opposed inequalities that put individuals under the complete control of others because such inequalities denied autonomy to those who were thus controlled. Mill intended to prevent the accumulation of wealth across generations on the grounds that the excessive concentration of economic power was a source of oppression. Unlimited economic power was as detrimental to society as unlimited political power. This was why he opposed centralised forms of socialism in which there was no room for competition. Mill's ideal society was a form of market socialism in which co-operatives of workers competed among themselves. He assumed that this type of society would be democratic in that it allowed workers to participate in the administration of the enterprise, and encouraged competition among the co-operatives of workers as a mechanism which rendered producers accountable for what they produced. In point of fact, Mill wanted society to be gradually reformed by small-scale social changes, implemented as a result of a process of democratic debate.

Mill rejected any sort of hereditary deference and criticised those who believed that the House of Lords could be seen as an instrument for tempering the ascendancy of the majority of the lower House. He saw aristocratic governments as more inclined than democratic ones to operate in a way that benefited their own members and to keep common citizens at a low level of intelligence. Convinced that the precipitate extension of the

suffrage to the entire male population had caused the presidential election of Louis-Napoleon in 1848 and made possible the *coup d'état* of 2 December 1851, Mill advocated the gradual extension of the suffrage. He thought that only citizens capable of reading, writing, and counting should be allowed to vote. In his view, deference to intellectual excellence was necessary in order to counterbalance the influence of the standardising forces that tended to influence the minds of those who were not educated. However, Mill's concern with intellectual excellence was not restricted to the electoral process. He proposed the establishment of a Commission of Legislation, formed by people highly trained in the law, and endowed with powers to reject laws which were incompatible with other legislative provisions. In addition, in the 1850s, he advocated the selection of civil servants by means of open competition. Mill attributed a prominent role to intelligence and professional competence in the reform of social and political institutions. He presumed that the advance of intelligence in society was more compatible with gradual reform than with revolutionary change, because the former was better able to change the stagnant routine of institutions and, at the same time, conserve practices and values which were dear to society and important to its well-being. This was why he argued that the national character should be taken into account when reforms were implemented. Mill was correct to fear the tyranny of the masses, but wrong to assume that the so-called 'educated few' could not act against the well-being of society. This mistake was based on the sociological assumption that, as they had no affinity with the values prevailing in society, they would be unable to impose their will over others. It was also derived from Mill's conviction that human beings endowed with knowledge would behave in a way that would add to general happiness. According to Mill, freed from the influence of bad institutions, individuals would act according to a deep sense of dignity which would impel them to pursue the higher pleasures

and to understand that they depended on society in order to enrich and improve their character. Mill relied on the existence of powerful social feelings ingrained in human nature that prompted human beings to sympathise with other members of society.

It has been demonstrated throughout this thesis that accountability was a central concern in Mill's liberal-utilitarian thought. To prevent individuals, groups, and governments from imposing their wishes on others, and to make them responsible for their actions, was the paramount task of a well-ordered society. Mill believed that accountability, or responsibility towards the people, would be possible only if there was a balanced distribution of power both in government and in society. His concern with accountability was complex because it was not only restricted to the idea of setting limits to government, but was, in addition, related to the conviction that practices which contributed to the diffusion of power throughout society should be encouraged, whereas practices which created excessive concentrations of power should be discouraged. There is no doubt that, when Mill addressed the phenomenon of power, he did so preoccupied with the need to favour diversity and to set legal limits to government, but his ultimate intention was to create a social order where there existed no unopposed power. He argued that government should be limited in its power and in its functions, otherwise society would be at risk. Nevertheless, Mill did not equate the legal limitation of government with accountability, because he thought that, in certain circumstances, an excessively weak government might mean economic monopolies being left unopposed and hence unaccountable. His notion of accountability was closely related to the way in which power in society was distributed, because Mill saw both government and society as potential sources of threats to the individual and to social improvement. Hence accountability, for Mill, means making

answerable for their acts those who exerted power, whether in the context of the family, the workplace, the government, or in society in general, either by means of the law or by means of incentives for social practices which tended to prevent the concentration of power. He thought that the institutionalisation of the confrontation between various conceptions of how life should be lived would create an atmosphere of diversity, and thereby allow individuals to express their originality and to recognise that their ability to improve themselves depended on a diversified environment.

When Mill encouraged the participation of people in voluntary associations, he did, certainly, wish to encourage them to give expression to their diversity. However, he also saw those associations as intermediary bodies that could contribute to the dispersal of power and the protection of individuals both from the tyranny of government and of society. In an environment where opposing views could be openly debated, individuals would develop their moral capacities by improving their powers of deliberation and their public spiritedness. The forces of uniformity had to be opposed precisely because they broke the natural connection which human beings had to society. This was why Mill promoted institutions aimed at facilitating the removal from power of those who would otherwise accumulate sufficient power to rule unopposed. He did so motivated by the idea that the liberal concern with the control of power was a necessary component of the well-being of both individuals and society. For Mill, individuals were like trees, needing the soil of democracy in order to grow their branches according to their natural inclinations. This growth was possible only if such a soil had a variety of nutrients, otherwise the trees would wither.

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